

As Passed by the Senate

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

Am. Sub. S. B. No. 263

Senator Faber

Cosponsors: Senators Niehaus, Goodman, Harris, Wagoner

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A B I L L

To amend sections 101.70, 102.02, 102.03, 109.572, 1
109.71, 109.77, 109.79, 121.60, 126.45, 1705.48, 2
2915.01, 2915.02, 2915.091, 3793.02, 4301.355, 3
4301.62, 4303.181, 4303.182, 4303.30, 5502.03, 4
5703.052, 5703.19, 5703.21, 5703.70, 5747.01, and 5
5747.02, and to enact sections 121.54, 3517.1015, 6
3772.01 to 3772.03, 3772.031, 3772.032, 3772.033, 7
3772.034, 3772.04, 3772.05, 3772.051, 3772.06, 8
3772.061, 3772.062, 3772.07 to 3772.09, 3772.091, 9
3772.10, 3772.11, 3772.111, 3772.112, 3772.12, 10
3772.121, 3772.13, 3772.131, 3772.14 to 3772.34, 11
3772.99, 3793.032, 5753.01 to 5753.06, 5753.061, 12
and 5753.07 to 5753.10 of the Revised Code to 13
create the Ohio Casino Control Commission and 14
related provisions and to set forth casino gaming 15
statutes under Ohio Constitution, Article XV, 16
Section 6(C). 17

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

Section 1. That sections 101.70, 102.02, 102.03, 109.572, 18
109.71, 109.77, 109.79, 121.60, 126.45, 1705.48, 2915.01, 2915.02, 19
2915.091, 3793.02, 4301.355, 4301.62, 4303.181, 4303.182, 4303.30, 20

5502.03, 5703.052, 5703.19, 5703.21, 5703.70, 5747.01, and 5747.02 21
be amended and sections 121.54, 3517.1015, 3772.01, 3772.02, 22
3772.03, 3772.031, 3772.032, 3772.033, 3772.034, 3772.04, 3772.05, 23
3772.051, 3772.06, 3772.061, 3772.062, 3772.07, 3772.08, 3772.09, 24
3772.091, 3772.10, 3772.11, 3772.111, 3772.112, 3772.12, 3772.121, 25
3772.13, 3772.131, 3772.14, 3772.15, 3772.16, 3772.17, 3772.18, 26
3772.19, 3772.20, 3772.21, 3772.22, 3772.23, 3772.24, 3772.25, 27
3772.26, 3772.27, 3772.28, 3772.29, 3772.30, 3772.31, 3772.32, 28
3772.33, 3772.34, 3772.99, 3793.032, 5753.01, 5753.02, 5753.03, 29
5753.04, 5753.05, 5753.06, 5753.061, 5753.07, 5753.08, 5753.09, 30
and 5753.10 of the Revised Code be enacted to read as follows: 31

Sec. 101.70. As used in sections 101.70 to 101.79 and 101.99 32
of the Revised Code: 33

(A) "Person" means any individual, partnership, trust, 34
estate, business trust, association, or corporation; any labor 35
organization or manufacturer association; any department, 36
commission, board, publicly supported college or university, 37
division, institution, bureau, or other instrumentality of the 38
state; or any county, township, municipal corporation, school 39
district, or other political subdivision of the state. "Person" 40
includes the Ohio casino control commission, a member of the 41
commission, the executive director of the commission, an employee 42
of the commission, and an agent of the commission. 43

(B) "Legislation" means bills, resolutions, amendments, 44
nominations, and any other matter pending before the general 45
assembly, any matter pending before the controlling board, or the 46
executive approval or veto of any bill acted upon by the general 47
assembly. 48

(C) "Compensation" means a salary, gift, payment, benefit, 49
subscription, loan, advance, reimbursement, or deposit of money or 50

anything of value; or a contract, promise, or agreement, whether 51
or not legally enforceable, to make compensation. 52

(D) "Expenditure" means any of the following that is made to, 53
at the request of, for the benefit of, or on behalf of any member 54
of the general assembly, any member of the controlling board, the 55
governor, the director of a department created under section 56
121.02 of the Revised Code, or any member of the staff of any 57
public officer or employee listed in this division: 58

(1) A payment, distribution, loan, advance, deposit, 59
reimbursement, or gift of money, real estate, or anything of 60
value, including, but not limited to, food and beverages, 61
entertainment, lodging, or transportation; 62

(2) A contract, promise, or agreement to make an expenditure, 63
whether or not legally enforceable; 64

(3) The purchase, sale, or gift of services or any other 65
thing of value. 66

"Expenditure" does not include a contribution, gift, or grant to a 67
foundation or other charitable organization that is exempt from 68
federal income taxation under subsection 501(c)(3) of the Internal 69
Revenue Code. "Expenditure" does not include the purchase, sale, 70
or gift of services or any other thing of value that is available 71
to the general public on the same terms as it is available to the 72
persons listed in this division, or an offer or sale of securities 73
to any person listed in this division that is governed by 74
regulation D, 17 C.F.R. ~~2301.501~~ 230.501 to ~~2301.508~~ 230.508, 75
adopted under the authority of the "Securities Act of 1933," 48 76
Stat. 74, 15 U.S.C.A. and following, or that is governed by a 77
comparable provision under state law. 78

(E) "Actively advocate" means to promote, advocate, or oppose 79
the passage, modification, defeat, or executive approval or veto 80
of any legislation by direct communication with any member of the 81

general assembly, any member of the controlling board, the 82
governor, the director of any department listed in section 121.02 83
of the Revised Code, or any member of the staff of any public 84
officer or employee listed in this division. "Actively advocate" 85
does not include the action of any person not engaged by an 86
employer who has a direct interest in legislation if the person, 87
acting under Section 3 of Article I, Ohio Constitution, assembles 88
together with other persons to consult for their common good, 89
instructs a public officer or employee who is listed in this 90
division, or petitions that public officer or employee for the 91
redress of grievances. 92

(F) "Legislative agent" means any individual, except a member 93
of the general assembly, a member of the staff of the general 94
assembly, the governor, lieutenant governor, attorney general, 95
secretary of state, treasurer of state, or auditor of state, who 96
is engaged during at least a portion of ~~his~~ the individual's time 97
to actively advocate as one of ~~his~~ the individual's main purposes. 98
An individual engaged by the Ohio casino control commission, a 99
member of the commission, the executive director of the 100
commission, or an employee or agent of the commission to actively 101
advocate is a "legislative agent" even if the individual does not 102
during at least a portion of the individual's time actively 103
advocate as one of the individual's main purposes. 104

(G) "Employer" means any person who, directly or indirectly, 105
engages a legislative agent. 106

(H) "Engage" means to make any arrangement, and "engagement" 107
means any arrangement, whereby an individual is employed or 108
retained for compensation to act for or on behalf of an employer 109
to actively advocate. 110

(I) "Financial transaction" means a transaction or activity 111
that is conducted or undertaken for profit and arises from the 112
joint ownership or the ownership or part ownership in common of 113

any real or personal property or any commercial or business 114
enterprise of whatever form or nature between the following: 115

(1) A legislative agent, ~~his~~ an employer of a legislative 116
agent, or a member of the immediate family of the legislative 117
agent or ~~his~~ a legislative agent's employer; and 118

(2) Any member of the general assembly, any member of the 119
controlling board, the governor, the director of a department 120
created under section 121.02 of the Revised Code, or any member of 121
the staff of a public officer or employee listed in division 122
(I)(2) of this section. 123

"Financial transaction" does not include any transaction or 124
activity described in division (I) of this section if it is 125
available to the general public on the same terms, or if it is an 126
offer or sale of securities to any person listed in division 127
(I)(2) of this section that is governed by regulation D, 17 C.F.R. 128
~~2301.501~~ 230.501 to ~~2301.508~~ 230.508, adopted under the authority 129
of the "Securities Act of 1933," 48 Stat. 74, 15 U.S.C.A. and 130
following, or that is governed by a comparable provision under 131
state law. 132

(J) "Staff" means any state employee whose official duties 133
are to formulate policy and who exercises administrative or 134
supervisory authority or who authorizes the expenditure of state 135
funds. 136

Sec. 102.02. (A) Except as otherwise provided in division (H) 137
of this section, all of the following shall file with the 138
appropriate ethics commission the disclosure statement described 139
in this division on a form prescribed by the appropriate 140
commission: every person who is elected to or is a candidate for a 141
state, county, or city office and every person who is appointed to 142
fill a vacancy for an unexpired term in such an elective office; 143
all members of the state board of education; the director, 144

assistant directors, deputy directors, division chiefs, or persons 145
of equivalent rank of any administrative department of the state; 146
the president or other chief administrative officer of every state 147
institution of higher education as defined in section 3345.011 of 148
the Revised Code; the executive director and the members of the 149
capitol square review and advisory board appointed or employed 150
pursuant to section 105.41 of the Revised Code; all members of the 151
Ohio casino control commission, the executive director of the 152
commission, all professional employees of the commission, and all 153
technical employees of the commission who perform an internal 154
audit function; the chief executive officer and the members of the 155
board of each state retirement system; each employee of a state 156
retirement board who is a state retirement system investment 157
officer licensed pursuant to section 1707.163 of the Revised Code; 158
the members of the Ohio retirement study council appointed 159
pursuant to division (C) of section 171.01 of the Revised Code; 160
employees of the Ohio retirement study council, other than 161
employees who perform purely administrative or clerical functions; 162
the administrator of workers' compensation and each member of the 163
bureau of workers' compensation board of directors; the bureau of 164
workers' compensation director of investments; the chief 165
investment officer of the bureau of workers' compensation; the 166
director appointed by the workers' compensation council; all 167
members of the board of commissioners on grievances and discipline 168
of the supreme court and the ethics commission created under 169
section 102.05 of the Revised Code; every business manager, 170
treasurer, or superintendent of a city, local, exempted village, 171
joint vocational, or cooperative education school district or an 172
educational service center; every person who is elected to or is a 173
candidate for the office of member of a board of education of a 174
city, local, exempted village, joint vocational, or cooperative 175
education school district or of a governing board of an 176
educational service center that has a total student count of 177

twelve thousand or more as most recently determined by the 178
department of education pursuant to section 3317.03 of the Revised 179
Code; every person who is appointed to the board of education of a 180
municipal school district pursuant to division (B) or (F) of 181
section 3311.71 of the Revised Code; all members of the board of 182
directors of a sanitary district that is established under Chapter 183
6115. of the Revised Code and organized wholly for the purpose of 184
providing a water supply for domestic, municipal, and public use, 185
and that includes two municipal corporations in two counties; 186
every public official or employee who is paid a salary or wage in 187
accordance with schedule C of section 124.15 or schedule E-2 of 188
section 124.152 of the Revised Code; members of the board of 189
trustees and the executive director of the southern Ohio 190
agricultural and community development foundation; all members 191
appointed to the Ohio livestock care standards board under section 192
904.02 of the Revised Code; and every other public official or 193
employee who is designated by the appropriate ethics commission 194
pursuant to division (B) of this section. 195

The disclosure statement shall include all of the following: 196

(1) The name of the person filing the statement and each 197
member of the person's immediate family and all names under which 198
the person or members of the person's immediate family do 199
business; 200

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 201
and except as otherwise provided in section 102.022 of the Revised 202
Code, identification of every source of income, other than income 203
from a legislative agent identified in division (A)(2)(b) of this 204
section, received during the preceding calendar year, in the 205
person's own name or by any other person for the person's use or 206
benefit, by the person filing the statement, and a brief 207
description of the nature of the services for which the income was 208
received. If the person filing the statement is a member of the 209

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

(b) If the person filing the statement is a member of the 233
general assembly, the statement shall identify every source of 234
income and the amount of that income that was received from a 235
legislative agent during the preceding calendar year, in the 236
person's own name or by any other person for the person's use or 237
benefit, by the person filing the statement, and a brief 238
description of the nature of the services for which the income was 239
received. Division (A)(2)(b) of this section requires the 240
disclosure of clients of attorneys or persons licensed under 241
section 4732.12 of the Revised Code, or patients of persons 242

certified under section 4731.14 of the Revised Code, if those 243
clients or patients are legislative agents. Division (A)(2)(b) of 244
this section requires a person filing the statement who derives 245
income from a business or profession to disclose those individual 246
items of income that constitute the gross income of that business 247
or profession that are received from legislative agents. 248

(c) Except as otherwise provided in division (A)(2)(c) of 249
this section, division (A)(2)(a) of this section applies to 250
attorneys, physicians, and other persons who engage in the 251
practice of a profession and who, pursuant to a section of the 252
Revised Code, the common law of this state, a code of ethics 253
applicable to the profession, or otherwise, generally are required 254
not to reveal, disclose, or use confidences of clients, patients, 255
or other recipients of professional services except under 256
specified circumstances or generally are required to maintain 257
those types of confidences as privileged communications except 258
under specified circumstances. Division (A)(2)(a) of this section 259
does not require an attorney, physician, or other professional 260
subject to a confidentiality requirement as described in division 261
(A)(2)(c) of this section to disclose the name, other identity, or 262
address of a client, patient, or other recipient of professional 263
services if the disclosure would threaten the client, patient, or 264
other recipient of professional services, would reveal details of 265
the subject matter for which legal, medical, or professional 266
advice or other services were sought, or would reveal an otherwise 267
privileged communication involving the client, patient, or other 268
recipient of professional services. Division (A)(2)(a) of this 269
section does not require an attorney, physician, or other 270
professional subject to a confidentiality requirement as described 271
in division (A)(2)(c) of this section to disclose in the brief 272
description of the nature of services required by division 273
(A)(2)(a) of this section any information pertaining to specific 274
professional services rendered for a client, patient, or other 275

recipient of professional services that would reveal details of 276
the subject matter for which legal, medical, or professional 277
advice was sought or would reveal an otherwise privileged 278
communication involving the client, patient, or other recipient of 279
professional services. 280

(3) The name of every corporation on file with the secretary 281
of state that is incorporated in this state or holds a certificate 282
of compliance authorizing it to do business in this state, trust, 283
business trust, partnership, or association that transacts 284
business in this state in which the person filing the statement or 285
any other person for the person's use and benefit had during the 286
preceding calendar year an investment of over one thousand dollars 287
at fair market value as of the thirty-first day of December of the 288
preceding calendar year, or the date of disposition, whichever is 289
earlier, or in which the person holds any office or has a 290
fiduciary relationship, and a description of the nature of the 291
investment, office, or relationship. Division (A)(3) of this 292
section does not require disclosure of the name of any bank, 293
savings and loan association, credit union, or building and loan 294
association with which the person filing the statement has a 295
deposit or a withdrawable share account. 296

(4) All fee simple and leasehold interests to which the 297
person filing the statement holds legal title to or a beneficial 298
interest in real property located within the state, excluding the 299
person's residence and property used primarily for personal 300
recreation; 301

(5) The names of all persons residing or transacting business 302
in the state to whom the person filing the statement owes, in the 303
person's own name or in the name of any other person, more than 304
one thousand dollars. Division (A)(5) of this section shall not be 305
construed to require the disclosure of debts owed by the person 306
resulting from the ordinary conduct of a business or profession or 307

debts on the person's residence or real property used primarily 308
for personal recreation, except that the superintendent of 309
financial institutions shall disclose the names of all 310
state-chartered savings and loan associations and of all service 311
corporations subject to regulation under division (E)(2) of 312
section 1151.34 of the Revised Code to whom the superintendent in 313
the superintendent's own name or in the name of any other person 314
owes any money, and that the superintendent and any deputy 315
superintendent of banks shall disclose the names of all 316
state-chartered banks and all bank subsidiary corporations subject 317
to regulation under section 1109.44 of the Revised Code to whom 318
the superintendent or deputy superintendent owes any money. 319

(6) The names of all persons residing or transacting business 320
in the state, other than a depository excluded under division 321
(A)(3) of this section, who owe more than one thousand dollars to 322
the person filing the statement, either in the person's own name 323
or to any person for the person's use or benefit. Division (A)(6) 324
of this section shall not be construed to require the disclosure 325
of clients of attorneys or persons licensed under section 4732.12 326
or 4732.15 of the Revised Code, or patients of persons certified 327
under section 4731.14 of the Revised Code, nor the disclosure of 328
debts owed to the person resulting from the ordinary conduct of a 329
business or profession. 330

(7) Except as otherwise provided in section 102.022 of the 331
Revised Code, the source of each gift of over seventy-five 332
dollars, or of each gift of over twenty-five dollars received by a 333
member of the general assembly from a legislative agent, received 334
by the person in the person's own name or by any other person for 335
the person's use or benefit during the preceding calendar year, 336
except gifts received by will or by virtue of section 2105.06 of 337
the Revised Code, or received from spouses, parents, grandparents, 338
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 339

brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 340
fathers-in-law, mothers-in-law, or any person to whom the person 341
filing the statement stands in loco parentis, or received by way 342
of distribution from any inter vivos or testamentary trust 343
established by a spouse or by an ancestor; 344

(8) Except as otherwise provided in section 102.022 of the 345
Revised Code, identification of the source and amount of every 346
payment of expenses incurred for travel to destinations inside or 347
outside this state that is received by the person in the person's 348
own name or by any other person for the person's use or benefit 349
and that is incurred in connection with the person's official 350
duties, except for expenses for travel to meetings or conventions 351
of a national or state organization to which any state agency, 352
including, but not limited to, any legislative agency or state 353
institution of higher education as defined in section 3345.011 of 354
the Revised Code, pays membership dues, or any political 355
subdivision or any office or agency of a political subdivision 356
pays membership dues; 357

(9) Except as otherwise provided in section 102.022 of the 358
Revised Code, identification of the source of payment of expenses 359
for meals and other food and beverages, other than for meals and 360
other food and beverages provided at a meeting at which the person 361
participated in a panel, seminar, or speaking engagement or at a 362
meeting or convention of a national or state organization to which 363
any state agency, including, but not limited to, any legislative 364
agency or state institution of higher education as defined in 365
section 3345.011 of the Revised Code, pays membership dues, or any 366
political subdivision or any office or agency of a political 367
subdivision pays membership dues, that are incurred in connection 368
with the person's official duties and that exceed one hundred 369
dollars aggregated per calendar year; 370

(10) If the disclosure statement is filed by a public 371

official or employee described in division (B)(2) of section 372
101.73 of the Revised Code or division (B)(2) of section 121.63 of 373
the Revised Code who receives a statement from a legislative 374
agent, executive agency lobbyist, or employer that contains the 375
information described in division (F)(2) of section 101.73 of the 376
Revised Code or division (G)(2) of section 121.63 of the Revised 377
Code, all of the nondisputed information contained in the 378
statement delivered to that public official or employee by the 379
legislative agent, executive agency lobbyist, or employer under 380
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 381
the Revised Code. 382

A person may file a statement required by this section in 383
person or by mail. A person who is a candidate for elective office 384
shall file the statement no later than the thirtieth day before 385
the primary, special, or general election at which the candidacy 386
is to be voted on, whichever election occurs soonest, except that 387
a person who is a write-in candidate shall file the statement no 388
later than the twentieth day before the earliest election at which 389
the person's candidacy is to be voted on. A person who holds 390
elective office shall file the statement on or before the 391
fifteenth day of April of each year unless the person is a 392
candidate for office. A person who is appointed to fill a vacancy 393
for an unexpired term in an elective office shall file the 394
statement within fifteen days after the person qualifies for 395
office. Other persons shall file an annual statement on or before 396
the fifteenth day of April or, if appointed or employed after that 397
date, within ninety days after appointment or employment. No 398
person shall be required to file with the appropriate ethics 399
commission more than one statement or pay more than one filing fee 400
for any one calendar year. 401

The appropriate ethics commission, for good cause, may extend 402
for a reasonable time the deadline for filing a statement under 403

this section. 404

A statement filed under this section is subject to public 405
inspection at locations designated by the appropriate ethics 406
commission except as otherwise provided in this section. 407

(B) The Ohio ethics commission, the joint legislative ethics 408
committee, and the board of commissioners on grievances and 409
discipline of the supreme court, using the rule-making procedures 410
of Chapter 119. of the Revised Code, may require any class of 411
public officials or employees under its jurisdiction and not 412
specifically excluded by this section whose positions involve a 413
substantial and material exercise of administrative discretion in 414
the formulation of public policy, expenditure of public funds, 415
enforcement of laws and rules of the state or a county or city, or 416
the execution of other public trusts, to file an annual statement 417
on or before the fifteenth day of April under division (A) of this 418
section. The appropriate ethics commission shall send the public 419
officials or employees written notice of the requirement by the 420
fifteenth day of February of each year the filing is required 421
unless the public official or employee is appointed after that 422
date, in which case the notice shall be sent within thirty days 423
after appointment, and the filing shall be made not later than 424
ninety days after appointment. 425

Except for disclosure statements filed by members of the 426
board of trustees and the executive director of the southern Ohio 427
agricultural and community development foundation, disclosure 428
statements filed under this division with the Ohio ethics 429
commission by members of boards, commissions, or bureaus of the 430
state for which no compensation is received other than reasonable 431
and necessary expenses shall be kept confidential. Disclosure 432
statements filed with the Ohio ethics commission under division 433
(A) of this section by business managers, treasurers, and 434
superintendents of city, local, exempted village, joint 435

vocational, or cooperative education school districts or 436
educational service centers shall be kept confidential, except 437
that any person conducting an audit of any such school district or 438
educational service center pursuant to section 115.56 or Chapter 439
117. of the Revised Code may examine the disclosure statement of 440
any business manager, treasurer, or superintendent of that school 441
district or educational service center. The Ohio ethics commission 442
shall examine each disclosure statement required to be kept 443
confidential to determine whether a potential conflict of interest 444
exists for the person who filed the disclosure statement. A 445
potential conflict of interest exists if the private interests of 446
the person, as indicated by the person's disclosure statement, 447
might interfere with the public interests the person is required 448
to serve in the exercise of the person's authority and duties in 449
the person's office or position of employment. If the commission 450
determines that a potential conflict of interest exists, it shall 451
notify the person who filed the disclosure statement and shall 452
make the portions of the disclosure statement that indicate a 453
potential conflict of interest subject to public inspection in the 454
same manner as is provided for other disclosure statements. Any 455
portion of the disclosure statement that the commission determines 456
does not indicate a potential conflict of interest shall be kept 457
confidential by the commission and shall not be made subject to 458
public inspection, except as is necessary for the enforcement of 459
Chapters 102. and 2921. of the Revised Code and except as 460
otherwise provided in this division. 461

(C) No person shall knowingly fail to file, on or before the 462
applicable filing deadline established under this section, a 463
statement that is required by this section. 464

(D) No person shall knowingly file a false statement that is 465
required to be filed under this section. 466

(E)(1) Except as provided in divisions (E)(2) and (3) of this 467

section, the statement required by division (A) or (B) of this 468
section shall be accompanied by a filing fee of forty dollars. 469

(2) The statement required by division (A) of this section 470
shall be accompanied by the following filing fee to be paid by the 471
person who is elected or appointed to, or is a candidate for, any 472
of the following offices: 473

For state office, except member of the		474
state board of education	\$65	475
For office of member of general assembly	\$40	476
For county office	\$40	477
For city office	\$25	478
For office of member of the state board		479
of education	\$25	480
For office of member of the Ohio		481
livestock care standards board	\$25	482
For office of member of a city, local,		483
exempted village, or cooperative		484
education board of		485
education or educational service		486
center governing board	\$20	487
For position of business manager,		488
treasurer, or superintendent of a		489
city, local, exempted village, joint		490
vocational, or cooperative education		491
school district or		492
educational service center	\$20	493

(3) No judge of a court of record or candidate for judge of a 494
court of record, and no referee or magistrate serving a court of 495
record, shall be required to pay the fee required under division 496
(E)(1) or (2) or (F) of this section. 497

(4) For any public official who is appointed to a nonelective 498
office of the state and for any employee who holds a nonelective 499

position in a public agency of the state, the state agency that is 500
the primary employer of the state official or employee shall pay 501
the fee required under division (E)(1) or (F) of this section. 502

(F) If a statement required to be filed under this section is 503
not filed by the date on which it is required to be filed, the 504
appropriate ethics commission shall assess the person required to 505
file the statement a late filing fee of ten dollars for each day 506
the statement is not filed, except that the total amount of the 507
late filing fee shall not exceed two hundred fifty dollars. 508

(G)(1) The appropriate ethics commission other than the Ohio 509
ethics commission and the joint legislative ethics committee shall 510
deposit all fees it receives under divisions (E) and (F) of this 511
section into the general revenue fund of the state. 512

(2) The Ohio ethics commission shall deposit all receipts, 513
including, but not limited to, fees it receives under divisions 514
(E) and (F) of this section and all moneys it receives from 515
settlements under division (G) of section 102.06 of the Revised 516
Code, into the Ohio ethics commission fund, which is hereby 517
created in the state treasury. All moneys credited to the fund 518
shall be used solely for expenses related to the operation and 519
statutory functions of the commission. 520

(3) The joint legislative ethics committee shall deposit all 521
receipts it receives from the payment of financial disclosure 522
statement filing fees under divisions (E) and (F) of this section 523
into the joint legislative ethics committee investigative fund. 524

(H) Division (A) of this section does not apply to a person 525
elected or appointed to the office of precinct, ward, or district 526
committee member under Chapter 3517. of the Revised Code; a 527
presidential elector; a delegate to a national convention; village 528
or township officials and employees; any physician or psychiatrist 529
who is paid a salary or wage in accordance with schedule C of 530

section 124.15 or schedule E-2 of section 124.152 of the Revised Code and whose primary duties do not require the exercise of administrative discretion; or any member of a board, commission, or bureau of any county or city who receives less than one thousand dollars per year for serving in that position.

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

(1) Accept a gift, gratuity, emolument, or employment from a casino operator, management company, or other person subject to the jurisdiction of the commission, or from an officer, attorney, agent, or employee of a casino operator, management company, or other person subject to the jurisdiction of the commission;

(2) Solicit, suggest, request, or recommend, directly or indirectly, to a casino operator, management company, or other person who is subject to the jurisdiction of the commission, or to an officer, attorney, agent, or employee of a casino operator, management company, or other person who is subject to the jurisdiction of the commission, the appointment of a person to an office, place, position, or employment;

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

Whoever violates division (I)(1), (2), or (3) of this section forfeits the individual's office or employment.

Sec. 102.03. (A)(1) No present or former public official or employee shall, during public employment or service or for twelve months thereafter, represent a client or act in a representative capacity for any person on any matter in which the public official or employee personally participated as a public official or

employee through decision, approval, disapproval, recommendation, 561
the rendering of advice, investigation, or other substantial 562
exercise of administrative discretion. 563

(2) For twenty-four months after the conclusion of service, 564
no former commissioner or attorney examiner of the public 565
utilities commission shall represent a public utility, as defined 566
in section 4905.02 of the Revised Code, or act in a representative 567
capacity on behalf of such a utility before any state board, 568
commission, or agency. 569

(3) For twenty-four months after the conclusion of employment 570
or service, no former public official or employee who personally 571
participated as a public official or employee through decision, 572
approval, disapproval, recommendation, the rendering of advice, 573
the development or adoption of solid waste management plans, 574
investigation, inspection, or other substantial exercise of 575
administrative discretion under Chapter 343. or 3734. of the 576
Revised Code shall represent a person who is the owner or operator 577
of a facility, as defined in section 3734.01 of the Revised Code, 578
or who is an applicant for a permit or license for a facility 579
under that chapter, on any matter in which the public official or 580
employee personally participated as a public official or employee. 581

(4) For a period of one year after the conclusion of 582
employment or service as a member or employee of the general 583
assembly, no former member or employee of the general assembly 584
shall represent, or act in a representative capacity for, any 585
person on any matter before the general assembly, any committee of 586
the general assembly, or the controlling board. Division (A)(4) of 587
this section does not apply to or affect a person who separates 588
from service with the general assembly on or before December 31, 589
1995. As used in division (A)(4) of this section "person" does not 590
include any state agency or political subdivision of the state. 591

(5) As used in divisions (A)(1), (2), and (3) of this 592

section, "matter" includes any case, proceeding, application, 593
determination, issue, or question, but does not include the 594
proposal, consideration, or enactment of statutes, rules, 595
ordinances, resolutions, or charter or constitutional amendments. 596
As used in division (A)(4) of this section, "matter" includes the 597
proposal, consideration, or enactment of statutes, resolutions, or 598
constitutional amendments. As used in division (A) of this 599
section, "represent" includes any formal or informal appearance 600
before, or any written or oral communication with, any public 601
agency on behalf of any person. 602

(6) Nothing contained in division (A) of this section shall 603
prohibit, during such period, a former public official or employee 604
from being retained or employed to represent, assist, or act in a 605
representative capacity for the public agency by which the public 606
official or employee was employed or on which the public official 607
or employee served. 608

(7) Division (A) of this section shall not be construed to 609
prohibit the performance of ministerial functions, including, but 610
not limited to, the filing or amendment of tax returns, 611
applications for permits and licenses, incorporation papers, and 612
other similar documents. 613

(8) No present or former Ohio casino control commission 614
official shall, during public service or for two years thereafter, 615
represent a client, be employed or hired by a person regulated by 616
the commission, or act in a representative capacity for any person 617
on any matter before or concerning the commission. 618

No present or former commission employee shall, during public 619
employment or for two years thereafter, represent a client or act 620
in a representative capacity on any matter in which the employee 621
personally participated as a commission employee through decision, 622
approval, disapproval, recommendation, the rendering of advice, 623
investigation, or other substantial exercise of administrative 624

discretion. 625

(B) No present or former public official or employee shall 626
disclose or use, without appropriate authorization, any 627
information acquired by the public official or employee in the 628
course of the public official's or employee's official duties that 629
is confidential because of statutory provisions, or that has been 630
clearly designated to the public official or employee as 631
confidential when that confidential designation is warranted 632
because of the status of the proceedings or the circumstances 633
under which the information was received and preserving its 634
confidentiality is necessary to the proper conduct of government 635
business. 636

(C) No public official or employee shall participate within 637
the scope of duties as a public official or employee, except 638
through ministerial functions as defined in division (A) of this 639
section, in any license or rate-making proceeding that directly 640
affects the license or rates of any person, partnership, trust, 641
business trust, corporation, or association in which the public 642
official or employee or immediate family owns or controls more 643
than five per cent. No public official or employee shall 644
participate within the scope of duties as a public official or 645
employee, except through ministerial functions as defined in 646
division (A) of this section, in any license or rate-making 647
proceeding that directly affects the license or rates of any 648
person to whom the public official or employee or immediate 649
family, or a partnership, trust, business trust, corporation, or 650
association of which the public official or employee or the public 651
official's or employee's immediate family owns or controls more 652
than five per cent, has sold goods or services totaling more than 653
one thousand dollars during the preceding year, unless the public 654
official or employee has filed a written statement acknowledging 655
that sale with the clerk or secretary of the public agency and the 656

statement is entered in any public record of the agency's 657
proceedings. This division shall not be construed to require the 658
disclosure of clients of attorneys or persons licensed under 659
section 4732.12 or 4732.15 of the Revised Code, or patients of 660
persons certified under section 4731.14 of the Revised Code. 661

(D) No public official or employee shall use or authorize the 662
use of the authority or influence of office or employment to 663
secure anything of value or the promise or offer of anything of 664
value that is of such a character as to manifest a substantial and 665
improper influence upon the public official or employee with 666
respect to that person's duties. 667

(E) No public official or employee shall solicit or accept 668
anything of value that is of such a character as to manifest a 669
substantial and improper influence upon the public official or 670
employee with respect to that person's duties. 671

(F) No person shall promise or give to a public official or 672
employee anything of value that is of such a character as to 673
manifest a substantial and improper influence upon the public 674
official or employee with respect to that person's duties. 675

(G) In the absence of bribery or another offense under the 676
Revised Code or a purpose to defraud, contributions made to a 677
campaign committee, political party, legislative campaign fund, 678
political action committee, or political contributing entity on 679
behalf of an elected public officer or other public official or 680
employee who seeks elective office shall be considered to accrue 681
ordinarily to the public official or employee for the purposes of 682
divisions (D), (E), and (F) of this section. 683

As used in this division, "contributions," "campaign 684
committee," "political party," "legislative campaign fund," 685
"political action committee," and "political contributing entity" 686
have the same meanings as in section 3517.01 of the Revised Code. 687

(H)(1) No public official or employee, except for the 688
president or other chief administrative officer of or a member of 689
a board of trustees of a state institution of higher education as 690
defined in section 3345.011 of the Revised Code, who is required 691
to file a financial disclosure statement under section 102.02 of 692
the Revised Code shall solicit or accept, and no person shall give 693
to that public official or employee, an honorarium. Except as 694
provided in division (H)(2) of this section, this division and 695
divisions (D), (E), and (F) of this section do not prohibit a 696
public official or employee who is required to file a financial 697
disclosure statement under section 102.02 of the Revised Code from 698
accepting and do not prohibit a person from giving to that public 699
official or employee the payment of actual travel expenses, 700
including any expenses incurred in connection with the travel for 701
lodging, and meals, food, and beverages provided to the public 702
official or employee at a meeting at which the public official or 703
employee participates in a panel, seminar, or speaking engagement 704
or provided to the public official or employee at a meeting or 705
convention of a national organization to which any state agency, 706
including, but not limited to, any state legislative agency or 707
state institution of higher education as defined in section 708
3345.011 of the Revised Code, pays membership dues. Except as 709
provided in division (H)(2) of this section, this division and 710
divisions (D), (E), and (F) of this section do not prohibit a 711
public official or employee who is not required to file a 712
financial disclosure statement under section 102.02 of the Revised 713
Code from accepting and do not prohibit a person from promising or 714
giving to that public official or employee an honorarium or the 715
payment of travel, meal, and lodging expenses if the honorarium, 716
expenses, or both were paid in recognition of demonstrable 717
business, professional, or esthetic interests of the public 718
official or employee that exist apart from public office or 719
employment, including, but not limited to, such a demonstrable 720

interest in public speaking and were not paid by any person or 721
other entity, or by any representative or association of those 722
persons or entities, that is regulated by, doing business with, or 723
seeking to do business with the department, division, institution, 724
board, commission, authority, bureau, or other instrumentality of 725
the governmental entity with which the public official or employee 726
serves. 727

(2) No person who is a member of the board of a state 728
retirement system, a state retirement system investment officer, 729
or an employee of a state retirement system whose position 730
involves substantial and material exercise of discretion in the 731
investment of retirement system funds shall solicit or accept, and 732
no person shall give to that board member, officer, or employee, 733
payment of actual travel expenses, including expenses incurred 734
with the travel for lodging, meals, food, and beverages. 735

(I) A public official or employee may accept travel, meals, 736
and lodging or expenses or reimbursement of expenses for travel, 737
meals, and lodging in connection with conferences, seminars, and 738
similar events related to official duties if the travel, meals, 739
and lodging, expenses, or reimbursement is not of such a character 740
as to manifest a substantial and improper influence upon the 741
public official or employee with respect to that person's duties. 742
The house of representatives and senate, in their code of ethics, 743
and the Ohio ethics commission, under section 111.15 of the 744
Revised Code, may adopt rules setting standards and conditions for 745
the furnishing and acceptance of such travel, meals, and lodging, 746
expenses, or reimbursement. 747

A person who acts in compliance with this division and any 748
applicable rules adopted under it, or any applicable, similar 749
rules adopted by the supreme court governing judicial officers and 750
employees, does not violate division (D), (E), or (F) of this 751
section. This division does not preclude any person from seeking 752

an advisory opinion from the appropriate ethics commission under 753
section 102.08 of the Revised Code. 754

(J) For purposes of divisions (D), (E), and (F) of this 755
section, the membership of a public official or employee in an 756
organization shall not be considered, in and of itself, to be of 757
such a character as to manifest a substantial and improper 758
influence on the public official or employee with respect to that 759
person's duties. As used in this division, "organization" means a 760
church or a religious, benevolent, fraternal, or professional 761
organization that is tax exempt under subsection 501(a) and 762
described in subsection 501(c)(3), (4), (8), (10), or (19) of the 763
"Internal Revenue Code of 1986." This division does not apply to a 764
public official or employee who is an employee of an organization, 765
serves as a trustee, director, or officer of an organization, or 766
otherwise holds a fiduciary relationship with an organization. 767
This division does not allow a public official or employee who is 768
a member of an organization to participate, formally or 769
informally, in deliberations, discussions, or voting on a matter 770
or to use his official position with regard to the interests of 771
the organization on the matter if the public official or employee 772
has assumed a particular responsibility in the organization with 773
respect to the matter or if the matter would affect that person's 774
personal, pecuniary interests. 775

(K) It is not a violation of this section for a prosecuting 776
attorney to appoint assistants and employees in accordance with 777
division (B) of section 309.06 and section 2921.421 of the Revised 778
Code, for a chief legal officer of a municipal corporation or an 779
official designated as prosecutor in a municipal corporation to 780
appoint assistants and employees in accordance with sections 781
733.621 and 2921.421 of the Revised Code, for a township law 782
director appointed under section 504.15 of the Revised Code to 783
appoint assistants and employees in accordance with sections 784

504.151 and 2921.421 of the Revised Code, or for a coroner to 785
appoint assistants and employees in accordance with division (B) 786
of section 313.05 of the Revised Code. 787

As used in this division, "chief legal officer" has the same 788
meaning as in section 733.621 of the Revised Code. 789

(L) No present public official or employee with a casino 790
gaming regulatory function shall indirectly invest, by way of an 791
entity the public official or employee has an ownership interest 792
or control in, or directly invest in a casino operator, management 793
company, holding company, casino facility, or gaming-related 794
vendor. No present public official or employee with a casino 795
gaming regulatory function shall directly or indirectly have a 796
financial interest in, have an ownership interest in, be the 797
creditor or hold a debt instrument issued by, or have an interest 798
in a contractual or service relationship with a casino operator, 799
management company, holding company, casino facility, or 800
gaming-related vendor. This section does not prohibit or limit 801
permitted passive investing by the public official or employee. 802

As used in this division, "passive investing" means 803
investment by the public official or employee by means of a mutual 804
fund or blind trust in which the public official or employee has 805
no control of the investments or investment decisions. "Casino 806
operator," "holding company," "management company," "casino 807
facility," and "gaming-related vendor" have the same meanings as 808
in section 3772.01 of the Revised Code. 809

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 810
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 811
a completed form prescribed pursuant to division (C)(1) of this 812
section, and a set of fingerprint impressions obtained in the 813
manner described in division (C)(2) of this section, the 814
superintendent of the bureau of criminal identification and 815

investigation shall conduct a criminal records check in the manner 816
described in division (B) of this section to determine whether any 817
information exists that indicates that the person who is the 818
subject of the request previously has been convicted of or pleaded 819
guilty to any of the following: 820

(a) A violation of section 2903.01, 2903.02, 2903.03, 821
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 822
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 823
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 824
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 825
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 826
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 827
2925.06, or 3716.11 of the Revised Code, felonious sexual 828
penetration in violation of former section 2907.12 of the Revised 829
Code, a violation of section 2905.04 of the Revised Code as it 830
existed prior to July 1, 1996, a violation of section 2919.23 of 831
the Revised Code that would have been a violation of section 832
2905.04 of the Revised Code as it existed prior to July 1, 1996, 833
had the violation been committed prior to that date, or a 834
violation of section 2925.11 of the Revised Code that is not a 835
minor drug possession offense; 836

(b) A violation of an existing or former law of this state, 837
any other state, or the United States that is substantially 838
equivalent to any of the offenses listed in division (A)(1)(a) of 839
this section. 840

(2) On receipt of a request pursuant to section 5123.081 of 841
the Revised Code with respect to an applicant for employment in 842
any position with the department of developmental disabilities, 843
pursuant to section 5126.28 of the Revised Code with respect to an 844
applicant for employment in any position with a county board of 845
developmental disabilities, or pursuant to section 5126.281 of the 846
Revised Code with respect to an applicant for employment in a 847

direct services position with an entity contracting with a county 848
board for employment, a completed form prescribed pursuant to 849
division (C)(1) of this section, and a set of fingerprint 850
impressions obtained in the manner described in division (C)(2) of 851
this section, the superintendent of the bureau of criminal 852
identification and investigation shall conduct a criminal records 853
check. The superintendent shall conduct the criminal records check 854
in the manner described in division (B) of this section to 855
determine whether any information exists that indicates that the 856
person who is the subject of the request has been convicted of or 857
pleaded guilty to any of the following: 858

(a) A violation of section 2903.01, 2903.02, 2903.03, 859
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 860
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 861
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 862
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 863
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 864
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 865
2925.03, or 3716.11 of the Revised Code; 866

(b) An existing or former municipal ordinance or law of this 867
state, any other state, or the United States that is substantially 868
equivalent to any of the offenses listed in division (A)(2)(a) of 869
this section. 870

(3) On receipt of a request pursuant to section 173.27, 871
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 872
completed form prescribed pursuant to division (C)(1) of this 873
section, and a set of fingerprint impressions obtained in the 874
manner described in division (C)(2) of this section, the 875
superintendent of the bureau of criminal identification and 876
investigation shall conduct a criminal records check with respect 877
to any person who has applied for employment in a position for 878
which a criminal records check is required by those sections. The 879

superintendent shall conduct the criminal records check in the 880
manner described in division (B) of this section to determine 881
whether any information exists that indicates that the person who 882
is the subject of the request previously has been convicted of or 883
pleaded guilty to any of the following: 884

(a) A violation of section 2903.01, 2903.02, 2903.03, 885
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 886
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 887
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 888
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 889
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 890
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 891
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 892
2925.22, 2925.23, or 3716.11 of the Revised Code; 893

(b) An existing or former law of this state, any other state, 894
or the United States that is substantially equivalent to any of 895
the offenses listed in division (A)(3)(a) of this section. 896

(4) On receipt of a request pursuant to section 3701.881 of 897
the Revised Code with respect to an applicant for employment with 898
a home health agency as a person responsible for the care, 899
custody, or control of a child, a completed form prescribed 900
pursuant to division (C)(1) of this section, and a set of 901
fingerprint impressions obtained in the manner described in 902
division (C)(2) of this section, the superintendent of the bureau 903
of criminal identification and investigation shall conduct a 904
criminal records check. The superintendent shall conduct the 905
criminal records check in the manner described in division (B) of 906
this section to determine whether any information exists that 907
indicates that the person who is the subject of the request 908
previously has been convicted of or pleaded guilty to any of the 909
following: 910

(a) A violation of section 2903.01, 2903.02, 2903.03, 911

2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 912
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 913
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 914
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 915
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 916
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 917
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 918
violation of section 2925.11 of the Revised Code that is not a 919
minor drug possession offense; 920

(b) An existing or former law of this state, any other state, 921
or the United States that is substantially equivalent to any of 922
the offenses listed in division (A)(4)(a) of this section. 923

(5) On receipt of a request pursuant to section 5111.032, 924
5111.033, or 5111.034 of the Revised Code, a completed form 925
prescribed pursuant to division (C)(1) of this section, and a set 926
of fingerprint impressions obtained in the manner described in 927
division (C)(2) of this section, the superintendent of the bureau 928
of criminal identification and investigation shall conduct a 929
criminal records check. The superintendent shall conduct the 930
criminal records check in the manner described in division (B) of 931
this section to determine whether any information exists that 932
indicates that the person who is the subject of the request 933
previously has been convicted of, has pleaded guilty to, or has 934
been found eligible for intervention in lieu of conviction for any 935
of the following, regardless of the date of the conviction, the 936
date of entry of the guilty plea, or the date the person was found 937
eligible for intervention in lieu of conviction: 938

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 939
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 940
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 941
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 942
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 943

2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 944
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 945
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 946
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 947
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 948
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 949
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 950
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 951
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 952
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 953
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 954
penetration in violation of former section 2907.12 of the Revised 955
Code, a violation of section 2905.04 of the Revised Code as it 956
existed prior to July 1, 1996, a violation of section 2919.23 of 957
the Revised Code that would have been a violation of section 958
2905.04 of the Revised Code as it existed prior to July 1, 1996, 959
had the violation been committed prior to that date; 960

(b) A violation of an existing or former municipal ordinance 961
or law of this state, any other state, or the United States that 962
is substantially equivalent to any of the offenses listed in 963
division (A)(5)(a) of this section. 964

(6) On receipt of a request pursuant to section 3701.881 of 965
the Revised Code with respect to an applicant for employment with 966
a home health agency in a position that involves providing direct 967
care to an older adult, a completed form prescribed pursuant to 968
division (C)(1) of this section, and a set of fingerprint 969
impressions obtained in the manner described in division (C)(2) of 970
this section, the superintendent of the bureau of criminal 971
identification and investigation shall conduct a criminal records 972
check. The superintendent shall conduct the criminal records check 973
in the manner described in division (B) of this section to 974
determine whether any information exists that indicates that the 975

person who is the subject of the request previously has been 976
convicted of or pleaded guilty to any of the following: 977

(a) A violation of section 2903.01, 2903.02, 2903.03, 978
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 979
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 980
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 981
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 982
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 983
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 984
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 985
2925.22, 2925.23, or 3716.11 of the Revised Code; 986

(b) An existing or former law of this state, any other state, 987
or the United States that is substantially equivalent to any of 988
the offenses listed in division (A)(6)(a) of this section. 989

(7) When conducting a criminal records check upon a request 990
pursuant to section 3319.39 of the Revised Code for an applicant 991
who is a teacher, in addition to the determination made under 992
division (A)(1) of this section, the superintendent shall 993
determine whether any information exists that indicates that the 994
person who is the subject of the request previously has been 995
convicted of or pleaded guilty to any offense specified in section 996
3319.31 of the Revised Code. 997

(8) On receipt of a request pursuant to section 2151.86 of 998
the Revised Code, a completed form prescribed pursuant to division 999
(C)(1) of this section, and a set of fingerprint impressions 1000
obtained in the manner described in division (C)(2) of this 1001
section, the superintendent of the bureau of criminal 1002
identification and investigation shall conduct a criminal records 1003
check in the manner described in division (B) of this section to 1004
determine whether any information exists that indicates that the 1005
person who is the subject of the request previously has been 1006
convicted of or pleaded guilty to any of the following: 1007

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 1008
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 1009
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 1010
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1011
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1012
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 1013
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 1014
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 1015
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 1016
of the Revised Code, a violation of section 2905.04 of the Revised 1017
Code as it existed prior to July 1, 1996, a violation of section 1018
2919.23 of the Revised Code that would have been a violation of 1019
section 2905.04 of the Revised Code as it existed prior to July 1, 1020
1996, had the violation been committed prior to that date, a 1021
violation of section 2925.11 of the Revised Code that is not a 1022
minor drug possession offense, two or more OVI or OVUAC violations 1023
committed within the three years immediately preceding the 1024
submission of the application or petition that is the basis of the 1025
request, or felonious sexual penetration in violation of former 1026
section 2907.12 of the Revised Code; 1027

(b) A violation of an existing or former law of this state, 1028
any other state, or the United States that is substantially 1029
equivalent to any of the offenses listed in division (A)(8)(a) of 1030
this section. 1031

(9) Upon receipt of a request pursuant to section 5104.012 or 1032
5104.013 of the Revised Code, a completed form prescribed pursuant 1033
to division (C)(1) of this section, and a set of fingerprint 1034
impressions obtained in the manner described in division (C)(2) of 1035
this section, the superintendent of the bureau of criminal 1036
identification and investigation shall conduct a criminal records 1037
check in the manner described in division (B) of this section to 1038
determine whether any information exists that indicates that the 1039

person who is the subject of the request has been convicted of or 1040
pleaded guilty to any of the following: 1041

(a) A violation of section 2903.01, 2903.02, 2903.03, 1042
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 1043
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 1044
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 1045
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 1046
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 1047
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 1048
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 1049
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 1050
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 1051
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 1052
3716.11 of the Revised Code, felonious sexual penetration in 1053
violation of former section 2907.12 of the Revised Code, a 1054
violation of section 2905.04 of the Revised Code as it existed 1055
prior to July 1, 1996, a violation of section 2919.23 of the 1056
Revised Code that would have been a violation of section 2905.04 1057
of the Revised Code as it existed prior to July 1, 1996, had the 1058
violation been committed prior to that date, a violation of 1059
section 2925.11 of the Revised Code that is not a minor drug 1060
possession offense, a violation of section 2923.02 or 2923.03 of 1061
the Revised Code that relates to a crime specified in this 1062
division, or a second violation of section 4511.19 of the Revised 1063
Code within five years of the date of application for licensure or 1064
certification. 1065

(b) A violation of an existing or former law of this state, 1066
any other state, or the United States that is substantially 1067
equivalent to any of the offenses or violations described in 1068
division (A)(9)(a) of this section. 1069

(10) Upon receipt of a request pursuant to section 5153.111 1070
of the Revised Code, a completed form prescribed pursuant to 1071

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 1080
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1081
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1082
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1083
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1084
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1085
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1086
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 1087
felonious sexual penetration in violation of former section 1088
2907.12 of the Revised Code, a violation of section 2905.04 of the 1089
Revised Code as it existed prior to July 1, 1996, a violation of 1090
section 2919.23 of the Revised Code that would have been a 1091
violation of section 2905.04 of the Revised Code as it existed 1092
prior to July 1, 1996, had the violation been committed prior to 1093
that date, or a violation of section 2925.11 of the Revised Code 1094
that is not a minor drug possession offense; 1095

(b) A violation of an existing or former law of this state, 1096
any other state, or the United States that is substantially 1097
equivalent to any of the offenses listed in division (A)(10)(a) of 1098
this section. 1099

(11) On receipt of a request for a criminal records check 1100
from an individual pursuant to section 4749.03 or 4749.06 of the 1101
Revised Code, accompanied by a completed copy of the form 1102
prescribed in division (C)(1) of this section and a set of 1103

fingerprint impressions obtained in a manner described in division 1104
(C)(2) of this section, the superintendent of the bureau of 1105
criminal identification and investigation shall conduct a criminal 1106
records check in the manner described in division (B) of this 1107
section to determine whether any information exists indicating 1108
that the person who is the subject of the request has been 1109
convicted of or pleaded guilty to a felony in this state or in any 1110
other state. If the individual indicates that a firearm will be 1111
carried in the course of business, the superintendent shall 1112
require information from the federal bureau of investigation as 1113
described in division (B)(2) of this section. The superintendent 1114
shall report the findings of the criminal records check and any 1115
information the federal bureau of investigation provides to the 1116
director of public safety. 1117

(12) On receipt of a request pursuant to section 1321.37, 1118
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 1119
Code, a completed form prescribed pursuant to division (C)(1) of 1120
this section, and a set of fingerprint impressions obtained in the 1121
manner described in division (C)(2) of this section, the 1122
superintendent of the bureau of criminal identification and 1123
investigation shall conduct a criminal records check with respect 1124
to any person who has applied for a license, permit, or 1125
certification from the department of commerce or a division in the 1126
department. The superintendent shall conduct the criminal records 1127
check in the manner described in division (B) of this section to 1128
determine whether any information exists that indicates that the 1129
person who is the subject of the request previously has been 1130
convicted of or pleaded guilty to any of the following: a 1131
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 1132
2925.03 of the Revised Code; any other criminal offense involving 1133
theft, receiving stolen property, embezzlement, forgery, fraud, 1134
passing bad checks, money laundering, or drug trafficking, or any 1135
criminal offense involving money or securities, as set forth in 1136

Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 1137
the Revised Code; or any existing or former law of this state, any 1138
other state, or the United States that is substantially equivalent 1139
to those offenses. 1140

(13) On receipt of a request for a criminal records check 1141
from the treasurer of state under section 113.041 of the Revised 1142
Code or from an individual under section 4701.08, 4715.101, 1143
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 1144
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1145
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1146
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 1147
4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by 1148
a completed form prescribed under division (C)(1) of this section 1149
and a set of fingerprint impressions obtained in the manner 1150
described in division (C)(2) of this section, the superintendent 1151
of the bureau of criminal identification and investigation shall 1152
conduct a criminal records check in the manner described in 1153
division (B) of this section to determine whether any information 1154
exists that indicates that the person who is the subject of the 1155
request has been convicted of or pleaded guilty to any criminal 1156
offense in this state or any other state. The superintendent shall 1157
send the results of a check requested under section 113.041 of the 1158
Revised Code to the treasurer of state and shall send the results 1159
of a check requested under any of the other listed sections to the 1160
licensing board specified by the individual in the request. 1161

(14) On receipt of a request pursuant to section 1121.23, 1162
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 1163
Code, a completed form prescribed pursuant to division (C)(1) of 1164
this section, and a set of fingerprint impressions obtained in the 1165
manner described in division (C)(2) of this section, the 1166
superintendent of the bureau of criminal identification and 1167
investigation shall conduct a criminal records check in the manner 1168

described in division (B) of this section to determine whether any 1169
information exists that indicates that the person who is the 1170
subject of the request previously has been convicted of or pleaded 1171
guilty to any criminal offense under any existing or former law of 1172
this state, any other state, or the United States. 1173

(15) On receipt of a request for a criminal records check 1174
from an appointing or licensing authority under section 3772.07 of 1175
the Revised Code, a completed form prescribed under division 1176
(C)(1) of this section, and a set of fingerprint impressions 1177
obtained in the manner prescribed in division (C)(2) of this 1178
section, the superintendent of the bureau of criminal 1179
identification and investigation shall conduct a criminal records 1180
check in the manner described in division (B) of this section to 1181
determine whether any information exists that indicates that the 1182
person who is the subject of the request previously has been 1183
convicted of or pleaded guilty or no contest to any offense under 1184
any existing or former law of this state, any other state, or the 1185
United States that is a disqualifying offense as defined in 1186
section 3772.07 of the Revised Code or substantially equivalent to 1187
such an offense. 1188

(16) Not later than thirty days after the date the 1189
superintendent receives a request of a type described in division 1190
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), 1191
~~or~~ (14), or (15) of this section, the completed form, and the 1192
fingerprint impressions, the superintendent shall send the person, 1193
board, or entity that made the request any information, other than 1194
information the dissemination of which is prohibited by federal 1195
law, the superintendent determines exists with respect to the 1196
person who is the subject of the request that indicates that the 1197
person previously has been convicted of or pleaded guilty to any 1198
offense listed or described in division (A)(1), (2), (3), (4), 1199
(5), (6), (7), (8), (9), (10), (11), (12), ~~or~~ (14), or (15) of 1200

this section, as appropriate. The superintendent shall send the 1201
person, board, or entity that made the request a copy of the list 1202
of offenses specified in division (A)(1), (2), (3), (4), (5), (6), 1203
(7), (8), (9), (10), (11), (12), ~~or~~ (14), or (15) of this section, 1204
as appropriate. If the request was made under section 3701.881 of 1205
the Revised Code with regard to an applicant who may be both 1206
responsible for the care, custody, or control of a child and 1207
involved in providing direct care to an older adult, the 1208
superintendent shall provide a list of the offenses specified in 1209
divisions (A)(4) and (6) of this section. 1210

Not later than thirty days after the superintendent receives 1211
a request for a criminal records check pursuant to section 113.041 1212
of the Revised Code, the completed form, and the fingerprint 1213
impressions, the superintendent shall send the treasurer of state 1214
any information, other than information the dissemination of which 1215
is prohibited by federal law, the superintendent determines exist 1216
with respect to the person who is the subject of the request that 1217
indicates that the person previously has been convicted of or 1218
pleaded guilty to any criminal offense in this state or any other 1219
state. 1220

(B) The superintendent shall conduct any criminal records 1221
check requested under section 113.041, 121.08, 173.27, 173.394, 1222
1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 1322.03, 1223
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 1224
3701.881, 3712.09, 3721.121, 3722.151, 3772.07, 4701.08, 4715.101, 1225
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 1226
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1227
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1228
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 1229
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 1230
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 1231
5126.281, or 5153.111 of the Revised Code as follows: 1232

(1) The superintendent shall review or cause to be reviewed 1233
any relevant information gathered and compiled by the bureau under 1234
division (A) of section 109.57 of the Revised Code that relates to 1235
the person who is the subject of the request, including, if the 1236
criminal records check was requested under section 113.041, 1237
121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1238
1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 1239
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 1240
3722.151, 3772.07, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 1241
5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 1242
5153.111 of the Revised Code, any relevant information contained 1243
in records that have been sealed under section 2953.32 of the 1244
Revised Code; 1245

(2) If the request received by the superintendent asks for 1246
information from the federal bureau of investigation, the 1247
superintendent shall request from the federal bureau of 1248
investigation any information it has with respect to the person 1249
who is the subject of the request, including fingerprint-based 1250
checks of national crime information databases as described in 42 1251
U.S.C. 671 if the request is made pursuant to section 2151.86, 1252
5104.012, or 5104.013 of the Revised Code or if any other Revised 1253
Code section requires fingerprint-based checks of that nature, and 1254
shall review or cause to be reviewed any information the 1255
superintendent receives from that bureau. If a request under 1256
section 3319.39 of the Revised Code asks only for information from 1257
the federal bureau of investigation, the superintendent shall not 1258
conduct the review prescribed by division (B)(1) of this section. 1259

(3) The superintendent or the superintendent's designee may 1260
request criminal history records from other states or the federal 1261
government pursuant to the national crime prevention and privacy 1262
compact set forth in section 109.571 of the Revised Code. 1263

(C)(1) The superintendent shall prescribe a form to obtain 1264

the information necessary to conduct a criminal records check from 1265
any person for whom a criminal records check is requested under 1266
section 113.041 of the Revised Code or required by section 121.08, 1267
173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1268
1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 1269
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 3772.07, 1270
4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 1271
4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 1272
4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 1273
4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 1274
4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 1275
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 1276
5126.281, or 5153.111 of the Revised Code. The form that the 1277
superintendent prescribes pursuant to this division may be in a 1278
tangible format, in an electronic format, or in both tangible and 1279
electronic formats. 1280

(2) The superintendent shall prescribe standard impression 1281
sheets to obtain the fingerprint impressions of any person for 1282
whom a criminal records check is requested under section 113.041 1283
of the Revised Code or required by section 121.08, 173.27, 1284
173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 1285
1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 1286
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 3772.07, 4701.08, 1287
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 1288
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1289
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1290
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 1291
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 1292
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 1293
5126.281, or 5153.111 of the Revised Code. Any person for whom a 1294
records check is requested under or required by any of those 1295
sections shall obtain the fingerprint impressions at a county 1296
sheriff's office, municipal police department, or any other entity 1297

with the ability to make fingerprint impressions on the standard 1298
impression sheets prescribed by the superintendent. The office, 1299
department, or entity may charge the person a reasonable fee for 1300
making the impressions. The standard impression sheets the 1301
superintendent prescribes pursuant to this division may be in a 1302
tangible format, in an electronic format, or in both tangible and 1303
electronic formats. 1304

(3) Subject to division (D) of this section, the 1305
superintendent shall prescribe and charge a reasonable fee for 1306
providing a criminal records check requested under section 1307
113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1308
1315.141, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 1309
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 1310
3722.151, 3772.07, 4701.08, 4715.101, 4717.061, 4725.121, 1311
4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 1312
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 1313
4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 1314
4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 1315
4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 1316
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The 1317
person making a criminal records request under any of those 1318
sections shall pay the fee prescribed pursuant to this division. A 1319
person making a request under section 3701.881 of the Revised Code 1320
for a criminal records check for an applicant who may be both 1321
responsible for the care, custody, or control of a child and 1322
involved in providing direct care to an older adult shall pay one 1323
fee for the request. In the case of a request under section 1324
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, or 5111.032 1325
of the Revised Code, the fee shall be paid in the manner specified 1326
in that section. 1327

(4) The superintendent of the bureau of criminal 1328
identification and investigation may prescribe methods of 1329

forwarding fingerprint impressions and information necessary to 1330
conduct a criminal records check, which methods shall include, but 1331
not be limited to, an electronic method. 1332

(D) A determination whether any information exists that 1333
indicates that a person previously has been convicted of or 1334
pleaded guilty to any offense listed or described in division 1335
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 1336
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 1337
(A)(9)(a) or (b), (A)(10)(a) or (b), (A)(12), ~~or~~ (A)(14), or 1338
(A)(15) of this section, or that indicates that a person 1339
previously has been convicted of or pleaded guilty to any criminal 1340
offense in this state or any other state regarding a criminal 1341
records check of a type described in division (A)(13) of this 1342
section, and that is made by the superintendent with respect to 1343
information considered in a criminal records check in accordance 1344
with this section is valid for the person who is the subject of 1345
the criminal records check for a period of one year from the date 1346
upon which the superintendent makes the determination. During the 1347
period in which the determination in regard to a person is valid, 1348
if another request under this section is made for a criminal 1349
records check for that person, the superintendent shall provide 1350
the information that is the basis for the superintendent's initial 1351
determination at a lower fee than the fee prescribed for the 1352
initial criminal records check. 1353

(E) As used in this section: 1354

(1) "Criminal records check" means any criminal records check 1355
conducted by the superintendent of the bureau of criminal 1356
identification and investigation in accordance with division (B) 1357
of this section. 1358

(2) "Minor drug possession offense" has the same meaning as 1359
in section 2925.01 of the Revised Code. 1360

(3) "Older adult" means a person age sixty or older. 1361

(4) "OVI or OVUAC violation" means a violation of section 1362
4511.19 of the Revised Code or a violation of an existing or 1363
former law of this state, any other state, or the United States 1364
that is substantially equivalent to section 4511.19 of the Revised 1365
Code. 1366

Sec. 109.71. There is hereby created in the office of the 1367
attorney general the Ohio peace officer training commission. The 1368
commission shall consist of nine members appointed by the governor 1369
with the advice and consent of the senate and selected as follows: 1370
one member representing the public; two members who are incumbent 1371
sheriffs; two members who are incumbent chiefs of police; one 1372
member from the bureau of criminal identification and 1373
investigation; one member from the state highway patrol; one 1374
member who is the special agent in charge of a field office of the 1375
federal bureau of investigation in this state; and one member from 1376
the department of education, trade and industrial education 1377
services, law enforcement training. 1378

This section does not confer any arrest authority or any 1379
ability or authority to detain a person, write or issue any 1380
citation, or provide any disposition alternative, as granted under 1381
Chapter 2935. of the Revised Code. 1382

As used in sections 109.71 to 109.801 of the Revised Code: 1383

(A) "Peace officer" means: 1384

(1) A deputy sheriff, marshal, deputy marshal, member of the 1385
organized police department of a township or municipal 1386
corporation, member of a township police district or joint 1387
township police district police force, member of a police force 1388
employed by a metropolitan housing authority under division (D) of 1389
section 3735.31 of the Revised Code, or township constable, who is 1390

commissioned and employed as a peace officer by a political 1391
subdivision of this state or by a metropolitan housing authority, 1392
and whose primary duties are to preserve the peace, to protect 1393
life and property, and to enforce the laws of this state, 1394
ordinances of a municipal corporation, resolutions of a township, 1395
or regulations of a board of county commissioners or board of 1396
township trustees, or any of those laws, ordinances, resolutions, 1397
or regulations; 1398

(2) A police officer who is employed by a railroad company 1399
and appointed and commissioned by the secretary of state pursuant 1400
to sections 4973.17 to 4973.22 of the Revised Code; 1401

(3) Employees of the department of taxation engaged in the 1402
enforcement of Chapter 5743. of the Revised Code and designated by 1403
the tax commissioner for peace officer training for purposes of 1404
the delegation of investigation powers under section 5743.45 of 1405
the Revised Code; 1406

(4) An undercover drug agent; 1407

(5) Enforcement agents of the department of public safety 1408
whom the director of public safety designates under section 1409
5502.14 of the Revised Code; 1410

(6) An employee of the department of natural resources who is 1411
a natural resources law enforcement staff officer designated 1412
pursuant to section 1501.013, a park officer designated pursuant 1413
to section 1541.10, a forest officer designated pursuant to 1414
section 1503.29, a preserve officer designated pursuant to section 1415
1517.10, a wildlife officer designated pursuant to section 1416
1531.13, or a state watercraft officer designated pursuant to 1417
section 1547.521 of the Revised Code; 1418

(7) An employee of a park district who is designated pursuant 1419
to section 511.232 or 1545.13 of the Revised Code; 1420

(8) An employee of a conservancy district who is designated 1421

pursuant to section 6101.75 of the Revised Code; 1422

(9) A police officer who is employed by a hospital that 1423
employs and maintains its own proprietary police department or 1424
security department, and who is appointed and commissioned by the 1425
secretary of state pursuant to sections 4973.17 to 4973.22 of the 1426
Revised Code; 1427

(10) Veterans' homes police officers designated under section 1428
5907.02 of the Revised Code; 1429

(11) A police officer who is employed by a qualified 1430
nonprofit corporation police department pursuant to section 1431
1702.80 of the Revised Code; 1432

(12) A state university law enforcement officer appointed 1433
under section 3345.04 of the Revised Code or a person serving as a 1434
state university law enforcement officer on a permanent basis on 1435
June 19, 1978, who has been awarded a certificate by the executive 1436
director of the Ohio peace officer training commission attesting 1437
to the person's satisfactory completion of an approved state, 1438
county, municipal, or department of natural resources peace 1439
officer basic training program; 1440

(13) A special police officer employed by the department of 1441
mental health pursuant to section 5119.14 of the Revised Code or 1442
the department of developmental disabilities pursuant to section 1443
5123.13 of the Revised Code; 1444

(14) A member of a campus police department appointed under 1445
section 1713.50 of the Revised Code; 1446

(15) A member of a police force employed by a regional 1447
transit authority under division (Y) of section 306.35 of the 1448
Revised Code; 1449

(16) Investigators appointed by the auditor of state pursuant 1450
to section 117.091 of the Revised Code and engaged in the 1451

enforcement of Chapter 117. of the Revised Code; 1452

(17) A special police officer designated by the 1453
superintendent of the state highway patrol pursuant to section 1454
5503.09 of the Revised Code or a person who was serving as a 1455
special police officer pursuant to that section on a permanent 1456
basis on October 21, 1997, and who has been awarded a certificate 1457
by the executive director of the Ohio peace officer training 1458
commission attesting to the person's satisfactory completion of an 1459
approved state, county, municipal, or department of natural 1460
resources peace officer basic training program; 1461

(18) A special police officer employed by a port authority 1462
under section 4582.04 or 4582.28 of the Revised Code or a person 1463
serving as a special police officer employed by a port authority 1464
on a permanent basis on May 17, 2000, who has been awarded a 1465
certificate by the executive director of the Ohio peace officer 1466
training commission attesting to the person's satisfactory 1467
completion of an approved state, county, municipal, or department 1468
of natural resources peace officer basic training program; 1469

(19) A special police officer employed by a municipal 1470
corporation who has been awarded a certificate by the executive 1471
director of the Ohio peace officer training commission for 1472
satisfactory completion of an approved peace officer basic 1473
training program and who is employed on a permanent basis on or 1474
after March 19, 2003, at a municipal airport, or other municipal 1475
air navigation facility, that has scheduled operations, as defined 1476
in section 119.3 of Title 14 of the Code of Federal Regulations, 1477
14 C.F.R. 119.3, as amended, and that is required to be under a 1478
security program and is governed by aviation security rules of the 1479
transportation security administration of the United States 1480
department of transportation as provided in Parts 1542. and 1544. 1481
of Title 49 of the Code of Federal Regulations, as amended; 1482

(20) A police officer who is employed by an owner or operator 1483

of an amusement park that has an average yearly attendance in 1484
excess of six hundred thousand guests and that employs and 1485
maintains its own proprietary police department or security 1486
department, and who is appointed and commissioned by a judge of 1487
the appropriate municipal court or county court pursuant to 1488
section 4973.17 of the Revised Code; 1489

(21) A police officer who is employed by a bank, savings and 1490
loan association, savings bank, credit union, or association of 1491
banks, savings and loan associations, savings banks, or credit 1492
unions, who has been appointed and commissioned by the secretary 1493
of state pursuant to sections 4973.17 to 4973.22 of the Revised 1494
Code, and who has been awarded a certificate by the executive 1495
director of the Ohio peace officer training commission attesting 1496
to the person's satisfactory completion of a state, county, 1497
municipal, or department of natural resources peace officer basic 1498
training program; 1499

(22) An investigator, as defined in section 109.541 of the 1500
Revised Code, of the bureau of criminal identification and 1501
investigation who is commissioned by the superintendent of the 1502
bureau as a special agent for the purpose of assisting law 1503
enforcement officers or providing emergency assistance to peace 1504
officers pursuant to authority granted under that section; 1505

(23) A state fire marshal law enforcement officer appointed 1506
under section 3737.22 of the Revised Code or a person serving as a 1507
state fire marshal law enforcement officer on a permanent basis on 1508
or after July 1, 1982, who has been awarded a certificate by the 1509
executive director of the Ohio peace officer training commission 1510
attesting to the person's satisfactory completion of an approved 1511
state, county, municipal, or department of natural resources peace 1512
officer basic training program; 1513

(24) A gaming agent employed under section 3772.03 of the 1514
Revised Code. 1515

(B) "Undercover drug agent" has the same meaning as in 1516
division (B)(2) of section 109.79 of the Revised Code. 1517

(C) "Crisis intervention training" means training in the use 1518
of interpersonal and communication skills to most effectively and 1519
sensitively interview victims of rape. 1520

(D) "Missing children" has the same meaning as in section 1521
2901.30 of the Revised Code. 1522

Sec. 109.77. (A) As used in this section, "felony" has the 1523
same meaning as in section 109.511 of the Revised Code. 1524

(B)(1) Notwithstanding any general, special, or local law or 1525
charter to the contrary, and except as otherwise provided in this 1526
section, no person shall receive an original appointment on a 1527
permanent basis as any of the following unless the person 1528
previously has been awarded a certificate by the executive 1529
director of the Ohio peace officer training commission attesting 1530
to the person's satisfactory completion of an approved state, 1531
county, municipal, or department of natural resources peace 1532
officer basic training program: 1533

(a) A peace officer of any county, township, municipal 1534
corporation, regional transit authority, or metropolitan housing 1535
authority; 1536

(b) A natural resources law enforcement staff officer, park 1537
officer, forest officer, preserve officer, wildlife officer, or 1538
state watercraft officer of the department of natural resources; 1539

(c) An employee of a park district under section 511.232 or 1540
1545.13 of the Revised Code; 1541

(d) An employee of a conservancy district who is designated 1542
pursuant to section 6101.75 of the Revised Code; 1543

(e) A state university law enforcement officer; 1544

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

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

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

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

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

(2) Every person who is appointed on a temporary basis or for
a probationary term or on other than a permanent basis as any of
the following shall forfeit the appointed position unless the
person previously has completed satisfactorily or, within the time
prescribed by rules adopted by the attorney general pursuant to
section 109.74 of the Revised Code, satisfactorily completes a
state, county, municipal, or department of natural resources peace
officer basic training program for temporary or probationary
officers and is awarded a certificate by the director attesting to
the satisfactory completion of the program:

(a) A peace officer of any county, township, municipal

corporation, regional transit authority, or metropolitan housing authority;	1576 1577
(b) A natural resources law enforcement staff officer, park officer, forest officer, preserve officer, wildlife officer, or state watercraft officer of the department of natural resources;	1578 1579 1580
(c) An employee of a park district under section 511.232 or 1545.13 of the Revised Code;	1581 1582
(d) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;	1583 1584
(e) A special police officer employed by the department of mental health pursuant to section 5119.14 of the Revised Code or the department of developmental disabilities pursuant to section 5123.13 of the Revised Code;	1585 1586 1587 1588
(f) An enforcement agent of the department of public safety whom the director of public safety designates under section 5502.14 of the Revised Code;	1589 1590 1591
(g) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;	1592 1593
(h) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended.	1594 1595 1596 1597 1598 1599 1600 1601 1602
(3) For purposes of division (B) of this section, a state, county, municipal, or department of natural resources peace officer basic training program, regardless of whether the program	1603 1604 1605

is to be completed by peace officers appointed on a permanent or 1606
temporary, probationary, or other nonpermanent basis, shall 1607
include training in the handling of the offense of domestic 1608
violence, other types of domestic violence-related offenses and 1609
incidents, and protection orders and consent agreements issued or 1610
approved under section 2919.26 or 3113.31 of the Revised Code and 1611
crisis intervention training. The requirement to complete training 1612
in the handling of the offense of domestic violence, other types 1613
of domestic violence-related offenses and incidents, and 1614
protection orders and consent agreements issued or approved under 1615
section 2919.26 or 3113.31 of the Revised Code does not apply to 1616
any person serving as a peace officer on March 27, 1979, and the 1617
requirement to complete training in crisis intervention does not 1618
apply to any person serving as a peace officer on April 4, 1985. 1619
Any person who is serving as a peace officer on April 4, 1985, who 1620
terminates that employment after that date, and who subsequently 1621
is hired as a peace officer by the same or another law enforcement 1622
agency shall complete training in crisis intervention as 1623
prescribed by rules adopted by the attorney general pursuant to 1624
section 109.742 of the Revised Code. No peace officer shall have 1625
employment as a peace officer terminated and then be reinstated 1626
with intent to circumvent this section. 1627

(4) Division (B) of this section does not apply to any person 1628
serving on a permanent basis on March 28, 1985, as a park officer, 1629
forest officer, preserve officer, wildlife officer, or state 1630
watercraft officer of the department of natural resources or as an 1631
employee of a park district under section 511.232 or 1545.13 of 1632
the Revised Code, to any person serving on a permanent basis on 1633
March 6, 1986, as an employee of a conservancy district designated 1634
pursuant to section 6101.75 of the Revised Code, to any person 1635
serving on a permanent basis on January 10, 1991, as a preserve 1636
officer of the department of natural resources, to any person 1637
employed on a permanent basis on July 2, 1992, as a special police 1638

officer by the department of mental health pursuant to section 1639
5119.14 of the Revised Code or by the department of developmental 1640
disabilities pursuant to section 5123.13 of the Revised Code, to 1641
any person serving on a permanent basis on May 17, 2000, as a 1642
special police officer employed by a port authority under section 1643
4582.04 or 4582.28 of the Revised Code, to any person serving on a 1644
permanent basis on March 19, 2003, as a special police officer 1645
employed by a municipal corporation at a municipal airport or 1646
other municipal air navigation facility described in division 1647
(A)(19) of section 109.71 of the Revised Code, to any person 1648
serving on a permanent basis on June 19, 1978, as a state 1649
university law enforcement officer pursuant to section 3345.04 of 1650
the Revised Code and who, immediately prior to June 19, 1978, was 1651
serving as a special police officer designated under authority of 1652
that section, or to any person serving on a permanent basis on 1653
September 20, 1984, as a liquor control investigator, known after 1654
June 30, 1999, as an enforcement agent of the department of public 1655
safety, engaged in the enforcement of Chapters 4301. and 4303. of 1656
the Revised Code. 1657

(5) Division (B) of this section does not apply to any person 1658
who is appointed as a regional transit authority police officer 1659
pursuant to division (Y) of section 306.35 of the Revised Code if, 1660
on or before July 1, 1996, the person has completed satisfactorily 1661
an approved state, county, municipal, or department of natural 1662
resources peace officer basic training program and has been 1663
awarded a certificate by the executive director of the Ohio peace 1664
officer training commission attesting to the person's satisfactory 1665
completion of such an approved program and if, on July 1, 1996, 1666
the person is performing peace officer functions for a regional 1667
transit authority. 1668

(C) No person, after September 20, 1984, shall receive an 1669
original appointment on a permanent basis as a veterans' home 1670

police officer designated under section 5907.02 of the Revised Code unless the person previously has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved police officer basic training program. Every person who is appointed on a temporary basis or for a probationary term or on other than a permanent basis as a veterans' home police officer designated under section 5907.02 of the Revised Code shall forfeit that position unless the person previously has completed satisfactorily or, within one year from the time of appointment, satisfactorily completes an approved police officer basic training program.

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

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

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

(3) Prior to June 6, 1986, was authorized to carry a firearm by the court that employed the bailiff or deputy bailiff or, in the case of a criminal investigator, by the state public defender and has received training in the use of firearms that the Ohio

peace officer training commission determines is equivalent to the 1703
training that otherwise is required by division (D) of this 1704
section. 1705

(E)(1) Before a person seeking a certificate completes an 1706
approved peace officer basic training program, the executive 1707
director of the Ohio peace officer training commission shall 1708
request the person to disclose, and the person shall disclose, any 1709
previous criminal conviction of or plea of guilty of that person 1710
to a felony. 1711

(2) Before a person seeking a certificate completes an 1712
approved peace officer basic training program, the executive 1713
director shall request a criminal history records check on the 1714
person. The executive director shall submit the person's 1715
fingerprints to the bureau of criminal identification and 1716
investigation, which shall submit the fingerprints to the federal 1717
bureau of investigation for a national criminal history records 1718
check. 1719

Upon receipt of the executive director's request, the bureau 1720
of criminal identification and investigation and the federal 1721
bureau of investigation shall conduct a criminal history records 1722
check on the person and, upon completion of the check, shall 1723
provide a copy of the criminal history records check to the 1724
executive director. The executive director shall not award any 1725
certificate prescribed in this section unless the executive 1726
director has received a copy of the criminal history records check 1727
on the person to whom the certificate is to be awarded. 1728

(3) The executive director of the commission shall not award 1729
a certificate prescribed in this section to a person who has been 1730
convicted of or has pleaded guilty to a felony or who fails to 1731
disclose any previous criminal conviction of or plea of guilty to 1732
a felony as required under division (E)(1) of this section. 1733

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

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

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

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

(2) The executive director of the commission shall suspend any certificate that has been awarded to a person as prescribed in this section if the person is convicted, after trial, of a felony committed on or after January 1, 1997. The executive director shall suspend the certificate pursuant to division (F)(2) of this section pending the outcome of an appeal by the person from that conviction to the highest court to which the appeal is taken or until the expiration of the period in which an appeal is required to be filed. If the person files an appeal that results in that person's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against that person, the

executive director shall reinstate the certificate awarded to the 1766
person under this section. If the person files an appeal from that 1767
person's conviction of the felony and the conviction is upheld by 1768
the highest court to which the appeal is taken or if the person 1769
does not file a timely appeal, the executive director shall revoke 1770
the certificate awarded to the person under this section. 1771

(G)(1) If a person is awarded a certificate under this 1772
section and the certificate is revoked pursuant to division (E)(4) 1773
or (F) of this section, the person shall not be eligible to 1774
receive, at any time, a certificate attesting to the person's 1775
satisfactory completion of a peace officer basic training program. 1776

(2) The revocation or suspension of a certificate under 1777
division (E)(4) or (F) of this section shall be in accordance with 1778
Chapter 119. of the Revised Code. 1779

(H)(1) A person who was employed as a peace officer of a 1780
county, township, or municipal corporation of the state on January 1781
1, 1966, and who has completed at least sixteen years of full-time 1782
active service as such a peace officer, or equivalent service as 1783
determined by the executive director of the Ohio peace officer 1784
training commission, may receive an original appointment on a 1785
permanent basis and serve as a peace officer of a county, 1786
township, or municipal corporation, or as a state university law 1787
enforcement officer, without complying with the requirements of 1788
division (B) of this section. 1789

(2) Any person who held an appointment as a state highway 1790
trooper on January 1, 1966, may receive an original appointment on 1791
a permanent basis and serve as a peace officer of a county, 1792
township, or municipal corporation, or as a state university law 1793
enforcement officer, without complying with the requirements of 1794
division (B) of this section. 1795

(I) No person who is appointed as a peace officer of a 1796

county, township, or municipal corporation on or after April 9, 1797
1985, shall serve as a peace officer of that county, township, or 1798
municipal corporation unless the person has received training in 1799
the handling of missing children and child abuse and neglect cases 1800
from an approved state, county, township, or municipal police 1801
officer basic training program or receives the training within the 1802
time prescribed by rules adopted by the attorney general pursuant 1803
to section 109.741 of the Revised Code. 1804

(J) No part of any approved state, county, or municipal basic 1805
training program for bailiffs and deputy bailiffs of courts of 1806
record and no part of any approved state, county, or municipal 1807
basic training program for criminal investigators employed by the 1808
state public defender shall be used as credit toward the 1809
completion by a peace officer of any part of the approved state, 1810
county, or municipal peace officer basic training program that the 1811
peace officer is required by this section to complete 1812
satisfactorily. 1813

(K) This section does not apply to any member of the police 1814
department of a municipal corporation in an adjoining state 1815
serving in this state under a contract pursuant to section 737.04 1816
of the Revised Code. 1817

Sec. 109.79. (A) The Ohio peace officer training commission 1818
shall establish and conduct a training school for law enforcement 1819
officers of any political subdivision of the state or of the state 1820
public defender's office. The school shall be known as the Ohio 1821
peace officer training academy. No bailiff or deputy bailiff of a 1822
court of record of this state and no criminal investigator 1823
employed by the state public defender shall be permitted to attend 1824
the academy for training unless the employing court of the bailiff 1825
or deputy bailiff or the state public defender, whichever is 1826
applicable, has authorized the bailiff, deputy bailiff, or 1827

investigator to attend the academy. 1828

The Ohio peace officer training commission shall develop the 1829
training program, which shall include courses in both the civil 1830
and criminal functions of law enforcement officers, a course in 1831
crisis intervention with six or more hours of training, and 1832
training in the handling of missing children and child abuse and 1833
neglect cases, and shall establish rules governing qualifications 1834
for admission to the academy. The commission may require 1835
competitive examinations to determine fitness of prospective 1836
trainees, so long as the examinations or other criteria for 1837
admission to the academy are consistent with the provisions of 1838
Chapter 124. of the Revised Code. 1839

The Ohio peace officer training commission shall determine 1840
tuition costs sufficient in the aggregate to pay the costs of 1841
operating the academy. The costs of acquiring and equipping the 1842
academy shall be paid from appropriations made by the general 1843
assembly to the Ohio peace officer training commission for that 1844
purpose, from gifts or grants received for that purpose, or from 1845
fees for goods related to the academy. 1846

The Ohio peace officer training commission shall create a 1847
gaming-related curriculum for gaming agents. The Ohio peace 1848
officer training commission shall use money distributed to the 1849
Ohio peace officer training academy from the Ohio law enforcement 1850
training fund to first support the academy's training programs for 1851
gaming agents and gaming-related curriculum. 1852

The law enforcement officers, during the period of their 1853
training, shall receive compensation as determined by the 1854
political subdivision that sponsors them or, if the officer is a 1855
criminal investigator employed by the state public defender, as 1856
determined by the state public defender. The political subdivision 1857
may pay the tuition costs of the law enforcement officers they 1858
sponsor and the state public defender may pay the tuition costs of 1859

criminal investigators of that office who attend the academy. 1860

If trainee vacancies exist, the academy may train and issue 1861
certificates of satisfactory completion to peace officers who are 1862
employed by a campus police department pursuant to section 1713.50 1863
of the Revised Code, by a qualified nonprofit corporation police 1864
department pursuant to section 1702.80 of the Revised Code, or by 1865
a railroad company, who are amusement park police officers 1866
appointed and commissioned by a judge of the appropriate municipal 1867
court or county court pursuant to section 4973.17 of the Revised 1868
Code, or who are bank, savings and loan association, savings bank, 1869
credit union, or association of banks, savings and loan 1870
associations, savings banks, or credit unions, or hospital police 1871
officers appointed and commissioned by the secretary of state 1872
pursuant to sections 4973.17 to 4973.22 of the Revised Code, 1873
provided that no such officer shall be trained at the academy 1874
unless the officer meets the qualifications established for 1875
admission to the academy and the qualified nonprofit corporation 1876
police department; bank, savings and loan association, savings 1877
bank, credit union, or association of banks, savings and loan 1878
associations, savings banks, or credit unions; railroad company; 1879
hospital; or amusement park or the private college or university 1880
that established the campus police department prepays the entire 1881
cost of the training. A qualified nonprofit corporation police 1882
department; bank, savings and loan association, savings bank, 1883
credit union, or association of banks, savings and loan 1884
associations, savings banks, or credit unions; railroad company; 1885
hospital; or amusement park or a private college or university 1886
that has established a campus police department is not entitled to 1887
reimbursement from the state for any amount paid for the cost of 1888
training the bank, savings and loan association, savings bank, 1889
credit union, or association of banks, savings and loan 1890
associations, savings banks, or credit unions peace officers; the 1891
railroad company's peace officers; or the peace officers of the 1892

qualified nonprofit corporation police department, campus police 1893
department, hospital, or amusement park. 1894

The academy shall permit investigators employed by the state 1895
medical board to take selected courses that the board determines 1896
are consistent with its responsibilities for initial and 1897
continuing training of investigators as required under sections 1898
4730.26 and 4731.05 of the Revised Code. The board shall pay the 1899
entire cost of training that investigators receive at the academy. 1900

(B) As used in this section: 1901

(1) "Law enforcement officers" include any undercover drug 1902
agent, any bailiff or deputy bailiff of a court of record, and any 1903
criminal investigator who is employed by the state public 1904
defender. 1905

(2) "Undercover drug agent" means any person who: 1906

(a) Is employed by a county, township, or municipal 1907
corporation for the purposes set forth in division (B)(2)(b) of 1908
this section but who is not an employee of a county sheriff's 1909
department, of a township constable, or of the police department 1910
of a municipal corporation or township; 1911

(b) In the course of the person's employment by a county, 1912
township, or municipal corporation, investigates and gathers 1913
information pertaining to persons who are suspected of violating 1914
Chapter 2925. or 3719. of the Revised Code, and generally does not 1915
wear a uniform in the performance of the person's duties. 1916

(3) "Crisis intervention training" has the same meaning as in 1917
section 109.71 of the Revised Code. 1918

(4) "Missing children" has the same meaning as in section 1919
2901.30 of the Revised Code. 1920

Sec. 121.54. As it relates in any way to state funds or 1921
public officials subject to the investigatory authority of the 1922

inspector general, the inspector general may investigate all 1923
wrongful acts or omissions that have been committed by or are 1924
being committed by any member of the Ohio casino control 1925
commission or its employees, any entity or individual regulated or 1926
licensed by the commission, or, for casino-related matters, any 1927
other contractors, vendors, or persons doing business with the 1928
state. 1929

The inspector general shall conduct a program of random 1930
review of the processing of contracts associated with the 1931
commission or any casino facility or any slot or table game 1932
operated at any casino facility. The random review program shall 1933
be designed by the inspector general. The program shall be 1934
confidential and may be altered by the inspector general at any 1935
time. 1936

All state employees and all agents, employees, licensees, and 1937
officials of all casino operators, management companies, holding 1938
companies, or gaming-related vendors shall cooperate with and 1939
provide assistance to the inspector general in the performance of 1940
any investigation conducted by the inspector general. In 1941
particular, those persons shall make their premises, equipment, 1942
personnel, books, records, and papers readily available to the 1943
inspector general. In the course of an investigation, the 1944
inspector general may question any state employee, casino 1945
operator, management company, or holding company, official, or 1946
employee, or gaming-related vendor, and any person transacting 1947
business with the commission, any casino operator, management 1948
company, holding company, the state, or a state agency on a 1949
casino-related matter. The inspector general shall take care to 1950
preserve the confidentiality of information contained in responses 1951
to questions or in books, records, or papers that are made 1952
confidential by law. In performing any investigation, the 1953
inspector general shall avoid interfering with the ongoing 1954

operations of the entities being investigated, except insofar as 1955
is reasonably necessary to successfully complete the 1956
investigation. 1957

At the conclusion of an investigation conducted by the 1958
inspector general, the inspector general shall deliver to the 1959
director of the commission, depending on the subject of the 1960
investigation, and to the governor, any case for which remedial 1961
action is necessary. The inspector general shall maintain a public 1962
record of the activities of the inspector general to the extent 1963
permitted under this section, ensuring that the rights of the 1964
parties involved in each case are protected. The inspector general 1965
shall include in the annual report required under section 121.48 1966
of the Revised Code a summary of the activities of the inspector 1967
general under this section during the previous year. 1968

No person shall disclose any information that is designated 1969
as confidential in accordance with section 121.44 of the Revised 1970
Code or any confidential information that is acquired in the 1971
course of an investigation conducted under this section to any 1972
person who is not legally entitled to disclosure of that 1973
information. 1974

As used in this section, "state agency" and "state employee" 1975
have the same meanings as in section 121.41 of the Revised Code. 1976

Sec. 121.60. As used in sections 121.60 to 121.69 of the 1977
Revised Code: 1978

(A) "Person" and "compensation" have the same meanings as in 1979
section 101.70 of the Revised Code. 1980

(B) "Expenditure" means any of the following that is made to, 1981
at the request of, for the benefit of, or on behalf of an elected 1982
executive official, the director of a department created under 1983
section 121.02 of the Revised Code, an executive agency official, 1984

or a member of the staff of any public officer or employee listed 1985
in this division: 1986

(1) A payment, distribution, loan, advance, deposit, 1987
reimbursement, or gift of money, real estate, or anything of 1988
value, including, but not limited to, food and beverages, 1989
entertainment, lodging, transportation, or honorariums; 1990

(2) A contract, promise, or agreement to make an expenditure, 1991
whether or not legally enforceable; 1992

(3) The purchase, sale, or gift of services or any other 1993
thing of value. "Expenditure" does not include a contribution, 1994
gift, or grant to a foundation or other charitable organization 1995
that is exempt from federal income taxation under subsection 1996
501(c)(3) of the Internal Revenue Code. "Expenditure" does not 1997
include the purchase, sale, or gift of services or any other thing 1998
of value that is available to the general public on the same terms 1999
as it is available to the persons listed in this division, or an 2000
offer or sale of securities to any person listed in this division 2001
that is governed by regulation D, 17 C.F.R. ~~2301.501~~ 230.501 to 2002
~~2301.508~~ 230.508, adopted under the authority of the "Securities 2003
Act of 1933," 48 Stat. 74, 15 U.S.C.A. and following, or that is 2004
governed by a comparable provision under state law. 2005

(C) "Employer" means any person who, directly or indirectly, 2006
engages an executive agency lobbyist. 2007

(D) "Engage" means to make any arrangement, and "engagement" 2008
means arrangement, whereby an individual is employed or retained 2009
for compensation to act for or on behalf of an employer to 2010
influence executive agency decisions or to conduct any executive 2011
agency lobbying activity. 2012

(E) "Financial transaction" means a transaction or activity 2013
that is conducted or undertaken for profit and arises from the 2014
joint ownership or the ownership or part ownership in common of 2015

any real or personal property or any commercial or business 2016
enterprise of whatever form or nature between the following: 2017

(1) An executive agency lobbyist, ~~his~~ the executive agency 2018
lobbyist's employer, or a member of the immediate family of the 2019
executive agency lobbyist or ~~his~~ the executive agency lobbyist's 2020
employer; and 2021

(2) Any elected executive official, the director of a 2022
department created under section 121.02 of the Revised Code, an 2023
executive agency official, or any member of the staff of a public 2024
officer or employee listed in division (E)(2) of this section. 2025

"Financial transaction" does not include any transaction or 2026
activity described in division (E) of this section if it is 2027
available to the general public on the same terms, or if it is an 2028
offer or sale of securities to any person listed in division 2029
(E)(2) of this section that is governed by regulation D, 17 C.F.R. 2030
~~2301.501~~ 230.501 to ~~2301.508~~ 230.508, adopted under the authority 2031
of the "Securities Act of 1933," 48 Stat. 74, 15 U.S.C.A. and 2032
following, or that is governed by a comparable provision under 2033
state law. 2034

(F) "Executive agency" means the office of an elected 2035
executive official, a department created under section 121.02 of 2036
the Revised Code, or any other state agency, department, board, or 2037
commission controlled or directed by an elected executive official 2038
or otherwise subject to ~~his~~ an elected executive official's 2039
authority. "Executive agency" does not include any court, the 2040
general assembly, or the controlling board. 2041

(G) "Executive agency decision" means a decision of an 2042
executive agency regarding the expenditure of funds of the state 2043
or of an executive agency with respect to the award of a contract, 2044
grant, lease, or other financial arrangement under which such 2045
funds are distributed or allocated, or a regulatory decision of an 2046

executive agency or any board or commission of the state. 2047

"Executive agency decision" does not include either of the 2048

following: 2049

(1) A purchasing decision for which a vendor has filed a 2050

statement certifying that ~~he~~ the vendor has not made campaign 2051

contributions in an amount such that section 3517.13 of the 2052

Revised Code would invalidate the decision, if that vendor has not 2053

engaged an executive agency lobbyist; 2054

(2) The award of a competitively bid contract for which bid 2055

specifications were prepared and for which at least three eligible 2056

competitive bids were received by the executive agency. 2057

(H) "Executive agency lobbyist" means any person engaged to 2058

influence executive agency decisions or to conduct executive 2059

agency lobbying activity as one of ~~his~~ the person's main purposes 2060

on a regular and substantial basis. "Executive agency lobbyist" 2061

does not include an elected or appointed officer or employee of a 2062

federal or state agency, state college, state university, or 2063

political subdivision who attempts to influence or affect 2064

executive agency decisions in ~~his~~ a fiduciary capacity as a 2065

representative of ~~his~~ the officer's or employee's agency, college, 2066

university, or political subdivision. 2067

(I) "Executive agency lobbying activity" means contacts made 2068

to promote, oppose, or otherwise influence the outcome of an 2069

executive agency decision by direct communication with an elected 2070

executive official, the director of any department listed in 2071

section 121.02 of the Revised Code, any executive agency official, 2072

~~or~~ a member of the staff of any public officer or employee listed 2073

in this division, or the Ohio casino control commission. "Lobbying 2074

activity" does not include any of the following: 2075

(1) The action of any person having a direct interest in 2076

executive agency decisions who, under Section 3 of Article I, Ohio 2077

Constitution, assembles together with other persons to consult for 2078
their common good, instructs a person listed in the first 2079
paragraph of division (I) of this section, or petitions such a 2080
person for the redress of grievances; 2081

(2) Contacts made for the sole purpose of gathering 2082
information contained in a public record; 2083

(3) Appearances before an executive agency to give testimony. 2084

(J) "Executive agency official" means an officer or employee 2085
of an executive agency whose principal duties are to formulate 2086
policy or to participate directly or indirectly in the 2087
preparation, review, or award of contracts, grants, leases, or 2088
other financial arrangements with an executive agency. 2089

(K) "Aggrieved party" means a party entitled to resort to a 2090
remedy. 2091

(L) "Elected executive official" means the governor, 2092
lieutenant governor, secretary of state, auditor of state, 2093
treasurer of state, and the attorney general. 2094

(M) "Staff" means any officer or employee of an executive 2095
agency whose official duties are to formulate policy and who 2096
exercises administrative or supervisory authority or who 2097
authorizes the expenditure of state funds. 2098

Sec. 126.45. (A) As used in sections 126.45 to 126.48 of the 2099
Revised Code, "state agency" means the administrative departments 2100
listed in section 121.02 of the Revised Code, the department of 2101
taxation, ~~and~~ the bureau of workers' compensation, and the Ohio 2102
casino control commission. 2103

(B) The office of internal auditing is hereby created in the 2104
office of budget and management to conduct internal audits of 2105
state agencies or divisions of state agencies to improve their 2106
operations in the areas of risk management, internal controls, and 2107

governance. The director of budget and management, with the approval of the governor, shall appoint for the office of internal auditing a chief internal auditor who meets the qualifications specified in division (C) of this section. The chief internal auditor shall serve at the director's pleasure and be responsible for the administration of the office of internal auditing consistent with sections 126.45 to 126.48 of the Revised Code.

The office of internal auditing shall conduct programs for the internal auditing of state agencies. The programs shall include an annual internal audit plan, reviewed by the state audit committee, that utilizes risk assessment techniques and identifies the specific audits to be conducted during the year. The programs also shall include periodic audits of each state agency's major systems and controls, including those systems and controls pertaining to accounting, administration, and electronic data processing. Upon the request of the office of internal auditing, each state agency shall provide office employees access to all records and documents necessary for the performance of an internal audit.

The director of budget and management shall assess a charge against each state agency for which the office of internal auditing conducts internal auditing programs under sections 126.45 to 126.48 of the Revised Code so that the total amount of these charges is sufficient to cover the costs of the operation of the office of internal auditing.

(C) The chief internal auditor of the office of internal auditing shall hold at least a bachelor's degree and be one of the following:

(1) A certified internal auditor, a certified government auditing professional, or a certified public accountant, who also has held a PA registration or a CPA certificate authorized by Chapter 4701. of the Revised Code for at least four years and has

at least six years of auditing experience;	2140
(2) An auditor who has held a PA registration or a CPA certificate authorized by Chapter 4701. of the Revised Code for at least four years and has at least ten years of auditing experience.	2141 2142 2143 2144
(D) The chief internal auditor, subject to the direction and control of the director of budget and management, may appoint and maintain any staff necessary to carry out the duties assigned by sections 126.45 to 126.48 of the Revised Code to the office of internal auditing or to the chief internal auditor.	2145 2146 2147 2148 2149
Sec. 1705.48. Except as otherwise provided by this chapter or any other provision of the Revised Code, including, but not limited to, sections 3734.908, 5739.33, 5743.57, 5747.07, and 5753.09 <u>5753.02</u> of the Revised Code, all of the following apply:	2150 2151 2152 2153
(A) The debts, obligations, and liabilities of a limited liability company, whether arising in contract, tort, or otherwise, are solely the debts, obligations, and liabilities of the limited liability company.	2154 2155 2156 2157
(B) Neither the members of the limited liability company nor any managers of the limited liability company are personally liable to satisfy any judgment, decree, or order of a court for, or are personally liable to satisfy in any other manner, a debt, obligation, or liability of the company solely by reason of being a member or manager of the limited liability company.	2158 2159 2160 2161 2162 2163
(C) Nothing in this chapter affects any personal liability of a member of a limited liability company or any manager of a limited liability company for the member's or manager's own actions or omissions.	2164 2165 2166 2167
(D) This chapter does not affect any statutory or common law of this or another state that pertains to the relationship between	2168 2169

an individual who renders a professional service and a recipient 2170
of that service, including, but not limited to, any contract or 2171
tort liability arising out of acts or omissions committed or 2172
omitted during the course of rendering the professional service. 2173

Sec. 2915.01. As used in this chapter: 2174

(A) "Bookmaking" means the business of receiving or paying 2175
off bets. 2176

(B) "Bet" means the hazarding of anything of value upon the 2177
result of an event, undertaking, or contingency, but does not 2178
include a bona fide business risk. 2179

(C) "Scheme of chance" means a slot machine, lottery, numbers 2180
game, pool conducted for profit, or other scheme in which a 2181
participant gives a valuable consideration for a chance to win a 2182
prize, but does not include bingo, a skill-based amusement 2183
machine, or a pool not conducted for profit. 2184

(D) "Game of chance" means poker, craps, roulette, or other 2185
game in which a player gives anything of value in the hope of 2186
gain, the outcome of which is determined largely by chance, but 2187
does not include bingo. 2188

(E) "Game of chance conducted for profit" means any game of 2189
chance designed to produce income for the person who conducts or 2190
operates the game of chance, but does not include bingo. 2191

(F) "Gambling device" means any of the following: 2192

(1) A book, totalizer, or other equipment for recording bets; 2193

(2) A ticket, token, or other device representing a chance, 2194
share, or interest in a scheme of chance or evidencing a bet; 2195

(3) A deck of cards, dice, gaming table, roulette wheel, slot 2196
machine, or other apparatus designed for use in connection with a 2197
game of chance; 2198

(4) Any equipment, device, apparatus, or paraphernalia specially designed for gambling purposes;	2199 2200
(5) Bingo supplies sold or otherwise provided, or used, in violation of this chapter.	2201 2202
(G) "Gambling offense" means any of the following:	2203
(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;	2204 2205 2206
(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;	2207 2208 2209 2210 2211
(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;	2212 2213 2214
(4) A conspiracy or attempt to commit, or complicity in committing, any offense under division (G)(1), (2), or (3) of this section.	2215 2216 2217
(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	2218 2219 2220 2221 2222 2223 2224 2225 2226 2227 2228 2229

a sporting organization that is exempt from federal income 2230
taxation under subsection 501(a) and is described in subsection 2231
501(c)(7) of the Internal Revenue Code. To qualify as a charitable 2232
organization, an organization, except a volunteer rescue service 2233
or volunteer firefighter's organization, shall have been in 2234
continuous existence as such in this state for a period of two 2235
years immediately preceding either the making of an application 2236
for a bingo license under section 2915.08 of the Revised Code or 2237
the conducting of any game of chance as provided in division (D) 2238
of section 2915.02 of the Revised Code. A charitable organization 2239
that is exempt from federal income taxation under subsection 2240
501(a) and described in subsection 501(c)(3) of the Internal 2241
Revenue Code and that is created by a veteran's organization, a 2242
fraternal organization, or a sporting organization does not have 2243
to have been in continuous existence as such in this state for a 2244
period of two years immediately preceding either the making of an 2245
application for a bingo license under section 2915.08 of the 2246
Revised Code or the conducting of any game of chance as provided 2247
in division (D) of section 2915.02 of the Revised Code. 2248

(I) "Religious organization" means any church, body of 2249
communicants, or group that is not organized or operated for 2250
profit and that gathers in common membership for regular worship 2251
and religious observances. 2252

(J) "Educational organization" means any organization within 2253
this state that is not organized for profit, the primary purpose 2254
of which is to educate and develop the capabilities of individuals 2255
through instruction by means of operating or contributing to the 2256
support of a school, academy, college, or university. 2257

(K) "Veteran's organization" means any individual post or 2258
state headquarters of a national veteran's association or an 2259
auxiliary unit of any individual post of a national veteran's 2260
association, which post, state headquarters, or auxiliary unit ~~has~~ 2261

~~been in continuous existence in this state for at least two years~~ 2262
~~and~~ is incorporated as a nonprofit corporation and either has 2263
received a letter from the state headquarters of the national 2264
veteran's association indicating that the individual post or 2265
auxiliary unit is in good standing with the national veteran's 2266
association or has received a letter from the national veteran's 2267
association indicating that the state headquarters is in good 2268
standing with the national veteran's association. As used in this 2269
division, "national veteran's association" means any veteran's 2270
association that has been in continuous existence as such for a 2271
period of at least five years and either is incorporated by an act 2272
of the United States congress or has a national dues-paying 2273
membership of at least five thousand persons. 2274

(L) "Volunteer firefighter's organization" means any 2275
organization of volunteer firefighters, as defined in section 2276
146.01 of the Revised Code, that is organized and operated 2277
exclusively to provide financial support for a volunteer fire 2278
department or a volunteer fire company and that is recognized or 2279
ratified by a county, municipal corporation, or township. 2280

(M) "Fraternal organization" means any society, order, state 2281
headquarters, or association within this state, except a college 2282
or high school fraternity, that is not organized for profit, that 2283
is a branch, lodge, or chapter of a national or state 2284
organization, that exists exclusively for the common business or 2285
sodality of its members, ~~and that has been in continuous existence~~ 2286
~~in this state for a period of five years.~~ 2287

(N) "Volunteer rescue service organization" means any 2288
organization of volunteers organized to function as an emergency 2289
medical service organization, as defined in section 4765.01 of the 2290
Revised Code. 2291

(O) "Service organization" means either of the following: 2292

(1) Any organization, not organized for profit, that is 2293
organized and operated exclusively to provide, or to contribute to 2294
the support of organizations or institutions organized and 2295
operated exclusively to provide, medical and therapeutic services 2296
for persons who are crippled, born with birth defects, or have any 2297
other mental or physical defect or those organized and operated 2298
exclusively to protect, or to contribute to the support of 2299
organizations or institutions organized and operated exclusively 2300
to protect, animals from inhumane treatment or provide immediate 2301
shelter to victims of domestic violence; 2302

(2) Any organization that is described in subsection 2303
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 2304
and is either a governmental unit or an organization that is tax 2305
exempt under subsection 501(a) and described in subsection 2306
501(c)(3) of the Internal Revenue Code and that is an 2307
organization, not organized for profit, that is organized and 2308
operated primarily to provide, or to contribute to the support of 2309
organizations or institutions organized and operated primarily to 2310
provide, medical and therapeutic services for persons who are 2311
crippled, born with birth defects, or have any other mental or 2312
physical defect. 2313

(P) "Nonprofit medical organization" means either of the 2314
following: 2315

(1) Any organization that has been incorporated as a 2316
nonprofit corporation for at least five years and that has 2317
continuously operated and will be operated exclusively to provide, 2318
or to contribute to the support of organizations or institutions 2319
organized and operated exclusively to provide, hospital, medical, 2320
research, or therapeutic services for the public; 2321

(2) Any organization that is described and qualified under 2322
subsection 501(c)(3) of the Internal Revenue Code, that has been 2323
incorporated as a nonprofit corporation for at least five years, 2324

and that has continuously operated and will be operated primarily 2325
to provide, or to contribute to the support of organizations or 2326
institutions organized and operated primarily to provide, 2327
hospital, medical, research, or therapeutic services for the 2328
public. 2329

(Q) "Senior citizen's organization" means any private 2330
organization, not organized for profit, that is organized and 2331
operated exclusively to provide recreational or social services 2332
for persons who are fifty-five years of age or older and that is 2333
described and qualified under subsection 501(c)(3) of the Internal 2334
Revenue Code. 2335

(R) "Charitable bingo game" means any bingo game described in 2336
division (S)(1) or (2) of this section that is conducted by a 2337
charitable organization that has obtained a license pursuant to 2338
section 2915.08 of the Revised Code and the proceeds of which are 2339
used for a charitable purpose. 2340

(S) "Bingo" means either of the following: 2341

(1) A game with all of the following characteristics: 2342

(a) The participants use bingo cards or sheets, including 2343
paper formats and electronic representation or image formats, that 2344
are divided into twenty-five spaces arranged in five horizontal 2345
and five vertical rows of spaces, with each space, except the 2346
central space, being designated by a combination of a letter and a 2347
number and with the central space being designated as a free 2348
space. 2349

(b) The participants cover the spaces on the bingo cards or 2350
sheets that correspond to combinations of letters and numbers that 2351
are announced by a bingo game operator. 2352

(c) A bingo game operator announces combinations of letters 2353
and numbers that appear on objects that a bingo game operator 2354
selects by chance, either manually or mechanically, from a 2355

receptacle that contains seventy-five objects at the beginning of 2356
each game, each object marked by a different combination of a 2357
letter and a number that corresponds to one of the seventy-five 2358
possible combinations of a letter and a number that can appear on 2359
the bingo cards or sheets. 2360

(d) The winner of the bingo game includes any participant who 2361
properly announces during the interval between the announcements 2362
of letters and numbers as described in division (S)(1)(c) of this 2363
section, that a predetermined and preannounced pattern of spaces 2364
has been covered on a bingo card or sheet being used by the 2365
participant. 2366

(2) Instant bingo, punch boards, and raffles. 2367

(T) "Conduct" means to back, promote, organize, manage, carry 2368
on, sponsor, or prepare for the operation of bingo or a game of 2369
chance. 2370

(U) "Bingo game operator" means any person, except security 2371
personnel, who performs work or labor at the site of bingo, 2372
including, but not limited to, collecting money from participants, 2373
handing out bingo cards or sheets or objects to cover spaces on 2374
bingo cards or sheets, selecting from a receptacle the objects 2375
that contain the combination of letters and numbers that appear on 2376
bingo cards or sheets, calling out the combinations of letters and 2377
numbers, distributing prizes, selling or redeeming instant bingo 2378
tickets or cards, supervising the operation of a punch board, 2379
selling raffle tickets, selecting raffle tickets from a receptacle 2380
and announcing the winning numbers in a raffle, and preparing, 2381
selling, and serving food or beverages. 2382

(V) "Participant" means any person who plays bingo. 2383

(W) "Bingo session" means a period that includes both of the 2384
following: 2385

(1) Not to exceed five continuous hours for the conduct of 2386

one or more games described in division (S)(1) of this section, 2387
instant bingo, and seal cards; 2388

(2) A period for the conduct of instant bingo and seal cards 2389
for not more than two hours before and not more than two hours 2390
after the period described in division (W)(1) of this section. 2391

(X) "Gross receipts" means all money or assets, including 2392
admission fees, that a person receives from bingo without the 2393
deduction of any amounts for prizes paid out or for the expenses 2394
of conducting bingo. "Gross receipts" does not include any money 2395
directly taken in from the sale of food or beverages by a 2396
charitable organization conducting bingo, or by a bona fide 2397
auxiliary unit or society of a charitable organization conducting 2398
bingo, provided all of the following apply: 2399

(1) The auxiliary unit or society has been in existence as a 2400
bona fide auxiliary unit or society of the charitable organization 2401
for at least two years prior to conducting bingo. 2402

(2) The person who purchases the food or beverage receives 2403
nothing of value except the food or beverage and items customarily 2404
received with the purchase of that food or beverage. 2405

(3) The food and beverages are sold at customary and 2406
reasonable prices. 2407

(Y) "Security personnel" includes any person who either is a 2408
sheriff, deputy sheriff, marshal, deputy marshal, township 2409
constable, or member of an organized police department of a 2410
municipal corporation or has successfully completed a peace 2411
officer's training course pursuant to sections 109.71 to 109.79 of 2412
the Revised Code and who is hired to provide security for the 2413
premises on which bingo is conducted. 2414

(Z) "Charitable purpose" means that the net profit of bingo, 2415
other than instant bingo, is used by, or is given, donated, or 2416
otherwise transferred to, any of the following: 2417

(1) Any organization that is described in subsection 2418
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 2419
and is either a governmental unit or an organization that is tax 2420
exempt under subsection 501(a) and described in subsection 2421
501(c)(3) of the Internal Revenue Code; 2422

(2) A veteran's organization that is a post, chapter, or 2423
organization of veterans, or an auxiliary unit or society of, or a 2424
trust or foundation for, any such post, chapter, or organization 2425
organized in the United States or any of its possessions, at least 2426
seventy-five per cent of the members of which are veterans and 2427
substantially all of the other members of which are individuals 2428
who are spouses, widows, or widowers of veterans, or such 2429
individuals, provided that no part of the net earnings of such 2430
post, chapter, or organization inures to the benefit of any 2431
private shareholder or individual, and further provided that the 2432
net profit is used by the post, chapter, or organization for the 2433
charitable purposes set forth in division (B)(12) of section 2434
5739.02 of the Revised Code, is used for awarding scholarships to 2435
or for attendance at an institution mentioned in division (B)(12) 2436
of section 5739.02 of the Revised Code, is donated to a 2437
governmental agency, or is used for nonprofit youth activities, 2438
the purchase of United States or Ohio flags that are donated to 2439
schools, youth groups, or other bona fide nonprofit organizations, 2440
promotion of patriotism, or disaster relief; 2441

(3) A fraternal organization that has been in continuous 2442
existence in this state for fifteen years and that uses the net 2443
profit exclusively for religious, charitable, scientific, 2444
literary, or educational purposes, or for the prevention of 2445
cruelty to children or animals, if contributions for such use 2446
would qualify as a deductible charitable contribution under 2447
subsection 170 of the Internal Revenue Code; 2448

(4) A volunteer firefighter's organization that uses the net 2449

profit for the purposes set forth in division (L) of this section. 2450

(AA) "Internal Revenue Code" means the "Internal Revenue Code 2451
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 2452
amended. 2453

(BB) "Youth athletic organization" means any organization, 2454
not organized for profit, that is organized and operated 2455
exclusively to provide financial support to, or to operate, 2456
athletic activities for persons who are twenty-one years of age or 2457
younger by means of sponsoring, organizing, operating, or 2458
contributing to the support of an athletic team, club, league, or 2459
association. 2460

(CC) "Youth athletic park organization" means any 2461
organization, not organized for profit, that satisfies both of the 2462
following: 2463

(1) It owns, operates, and maintains playing fields that 2464
satisfy both of the following: 2465

(a) The playing fields are used at least one hundred days per 2466
year for athletic activities by one or more organizations, not 2467
organized for profit, each of which is organized and operated 2468
exclusively to provide financial support to, or to operate, 2469
athletic activities for persons who are eighteen years of age or 2470
younger by means of sponsoring, organizing, operating, or 2471
contributing to the support of an athletic team, club, league, or 2472
association. 2473

(b) The playing fields are not used for any profit-making 2474
activity at any time during the year. 2475

(2) It uses the proceeds of bingo it conducts exclusively for 2476
the operation, maintenance, and improvement of its playing fields 2477
of the type described in division (CC)(1) of this section. 2478

(DD) "Amateur athletic organization" means any organization, 2479

not organized for profit, that is organized and operated 2480
exclusively to provide financial support to, or to operate, 2481
athletic activities for persons who are training for amateur 2482
athletic competition that is sanctioned by a national governing 2483
body as defined in the "Amateur Sports Act of 1978," 90 Stat. 2484
3045, 36 U.S.C.A. 373. 2485

(EE) "Bingo supplies" means bingo cards or sheets; instant 2486
bingo tickets or cards; electronic bingo aids; raffle tickets; 2487
punch boards; seal cards; instant bingo ticket dispensers; and 2488
devices for selecting or displaying the combination of bingo 2489
letters and numbers or raffle tickets. Items that are "bingo 2490
supplies" are not gambling devices if sold or otherwise provided, 2491
and used, in accordance with this chapter. For purposes of this 2492
chapter, "bingo supplies" are not to be considered equipment used 2493
to conduct a bingo game. 2494

(FF) "Instant bingo" means a form of bingo that uses folded 2495
or banded tickets or paper cards with perforated break-open tabs, 2496
a face of which is covered or otherwise hidden from view to 2497
conceal a number, letter, or symbol, or set of numbers, letters, 2498
or symbols, some of which have been designated in advance as prize 2499
winners. "Instant bingo" includes seal cards. "Instant bingo" does 2500
not include any device that is activated by the insertion of a 2501
coin, currency, token, or an equivalent, and that contains as one 2502
of its components a video display monitor that is capable of 2503
displaying numbers, letters, symbols, or characters in winning or 2504
losing combinations. 2505

(GG) "Seal card" means a form of instant bingo that uses 2506
instant bingo tickets in conjunction with a board or placard that 2507
contains one or more seals that, when removed or opened, reveal 2508
predesignated winning numbers, letters, or symbols. 2509

(HH) "Raffle" means a form of bingo in which the one or more 2510
prizes are won by one or more persons who have purchased a raffle 2511

ticket. The one or more winners of the raffle are determined by 2512
drawing a ticket stub or other detachable section from a 2513
receptacle containing ticket stubs or detachable sections 2514
corresponding to all tickets sold for the raffle. 2515

(II) "Punch board" means a board containing a number of holes 2516
or receptacles of uniform size in which are placed, mechanically 2517
and randomly, serially numbered slips of paper that may be punched 2518
or drawn from the hole or receptacle when used in conjunction with 2519
instant bingo. A player may punch or draw the numbered slips of 2520
paper from the holes or receptacles and obtain the prize 2521
established for the game if the number drawn corresponds to a 2522
winning number or, if the punch board includes the use of a seal 2523
card, a potential winning number. 2524

(JJ) "Gross profit" means gross receipts minus the amount 2525
actually expended for the payment of prize awards. 2526

(KK) "Net profit" means gross profit minus expenses. 2527

(LL) "Expenses" means the reasonable amount of gross profit 2528
actually expended for all of the following: 2529

(1) The purchase or lease of bingo supplies; 2530

(2) The annual license fee required under section 2915.08 of 2531
the Revised Code; 2532

(3) Bank fees and service charges for a bingo session or game 2533
account described in section 2915.10 of the Revised Code; 2534

(4) Audits and accounting services; 2535

(5) Safes; 2536

(6) Cash registers; 2537

(7) Hiring security personnel; 2538

(8) Advertising bingo; 2539

(9) Renting premises in which to conduct a bingo session; 2540

(10) Tables and chairs;	2541
(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;	2542 2543 2544 2545
(12) <u>Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;</u>	2546 2547
(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.	2548 2549 2550 2551
(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.	2552 2553 2554
(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.	2555 2556 2557 2558
(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.	2559 2560 2561 2562
(PP) "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following:	2563 2564
(1) Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this state;	2565 2566 2567
(2) Modifies, converts, adds to, or removes parts from the bingo supplies to further their promotion or sale for use in this state.	2568 2569 2570

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

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

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

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

(2) It performs no gaming functions.

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

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

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

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

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

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

(9) The insertion of tickets or cards into the device and the

removal of currency from the device that has been inserted into 2601
the device are controlled by two separate keys that are controlled 2602
by two separate individuals. 2603

(TT)(1) "Electronic bingo aid" means an electronic device 2604
used by a participant to monitor bingo cards or sheets purchased 2605
at the time and place of a bingo session and that does all of the 2606
following: 2607

(a) It provides a means for a participant to input numbers 2608
and letters announced by a bingo caller. 2609

(b) It compares the numbers and letters entered by the 2610
participant to the bingo faces previously stored in the memory of 2611
the device. 2612

(c) It identifies a winning bingo pattern. 2613

(2) "Electronic bingo aid" does not include any device into 2614
which a coin, currency, token, or an equivalent is inserted to 2615
activate play. 2616

(UU) "Deal of instant bingo tickets" means a single game of 2617
instant bingo tickets all with the same serial number. 2618

(VV)(1) "Slot machine" means either of the following: 2619

(a) Any mechanical, electronic, video, or digital device that 2620
is capable of accepting anything of value, directly or indirectly, 2621
from or on behalf of a player who gives the thing of value in the 2622
hope of gain; 2623

(b) Any mechanical, electronic, video, or digital device that 2624
is capable of accepting anything of value, directly or indirectly, 2625
from or on behalf of a player to conduct ~~or dispense~~ bingo or a 2626
scheme or game of chance. 2627

(2) "Slot machine" does not include a skill-based amusement 2628
machine or an instant bingo ticket dispenser. 2629

(WW) "Net profit from the proceeds of the sale of instant 2630

bingo" means gross profit minus the ordinary, necessary, and 2631
reasonable expense expended for the purchase of instant bingo 2632
supplies. 2633

(XX) "Charitable instant bingo organization" means an 2634
organization that is exempt from federal income taxation under 2635
subsection 501(a) and described in subsection 501(c)(3) of the 2636
Internal Revenue Code and is a charitable organization as defined 2637
in this section. A "charitable instant bingo organization" does 2638
not include a charitable organization that is exempt from federal 2639
income taxation under subsection 501(a) and described in 2640
subsection 501(c)(3) of the Internal Revenue Code and that is 2641
created by a veteran's organization, a fraternal organization, or 2642
a sporting organization in regards to bingo conducted or assisted 2643
by a veteran's organization, a fraternal organization, or a 2644
sporting organization pursuant to section 2915.13 of the Revised 2645
Code. 2646

(YY) "Game flare" means the board or placard that accompanies 2647
each deal of instant bingo tickets and that has printed on or 2648
affixed to it the following information for the game: 2649

(1) The name of the game; 2650

(2) The manufacturer's name or distinctive logo; 2651

(3) The form number; 2652

(4) The ticket count; 2653

(5) The prize structure, including the number of winning 2654
instant bingo tickets by denomination and the respective winning 2655
symbol or number combinations for the winning instant bingo 2656
tickets; 2657

(6) The cost per play; 2658

(7) The serial number of the game. 2659

(ZZ) "Historic railroad educational organization" means an 2660

organization that is exempt from federal income taxation under 2661
subsection 501(a) and described in subsection 501(c)(3) of the 2662
Internal Revenue Code, that owns in fee simple the tracks and the 2663
right of way of a historic railroad that the organization restores 2664
or maintains and on which the organization provides excursions as 2665
part of a program to promote tourism and educate visitors 2666
regarding the role of railroad transportation in Ohio history, and 2667
that received as donations from a charitable organization that 2668
holds a license to conduct bingo under this chapter an amount 2669
equal to at least fifty per cent of that licensed charitable 2670
organization's net proceeds from the conduct of bingo during each 2671
of the five years preceding June 30, 2003. "Historic railroad" 2672
means all or a portion of the tracks and right-of-way of a 2673
railroad that was owned and operated by a for-profit common 2674
carrier in this state at any time prior to January 1, 1950. 2675

(AAA)(1) "Skill-based amusement machine" means a mechanical, 2676
video, digital, or electronic device that rewards the player or 2677
players, if at all, only with merchandise prizes or with 2678
redeemable vouchers redeemable only for merchandise prizes, 2679
provided that with respect to rewards for playing the game all of 2680
the following apply: 2681

(a) The wholesale value of a merchandise prize awarded as a 2682
result of the single play of a machine does not exceed ten 2683
dollars; 2684

(b) Redeemable vouchers awarded for any single play of a 2685
machine are not redeemable for a merchandise prize with a 2686
wholesale value of more than ten dollars; 2687

(c) Redeemable vouchers are not redeemable for a merchandise 2688
prize that has a wholesale value of more than ten dollars times 2689
the fewest number of single plays necessary to accrue the 2690
redeemable vouchers required to obtain that prize; and 2691

(d) Any redeemable vouchers or merchandise prizes are 2692
distributed at the site of the skill-based amusement machine at 2693
the time of play. 2694

(2) A device shall not be considered a skill-based amusement 2695
machine and shall be considered a slot machine if it pays cash or 2696
one or more of the following apply: 2697

(a) The ability of a player to succeed at the game is 2698
impacted by the number or ratio of prior wins to prior losses of 2699
players playing the game. 2700

(b) Any reward of redeemable vouchers is not based solely on 2701
the player achieving the object of the game or the player's score; 2702

(c) The outcome of the game, or the value of the redeemable 2703
voucher or merchandise prize awarded for winning the game, can be 2704
controlled by a source other than any player playing the game. 2705

(d) The success of any player is or may be determined by a 2706
chance event that cannot be altered by player actions. 2707

(e) The ability of any player to succeed at the game is 2708
determined by game features not visible or known to the player. 2709

(f) The ability of the player to succeed at the game is 2710
impacted by the exercise of a skill that no reasonable player 2711
could exercise. 2712

(3) All of the following apply to any machine that is 2713
operated as described in division (AAA)(1) of this section: 2714

(a) As used in this section, "game" and "play" mean one event 2715
from the initial activation of the machine until the results of 2716
play are determined without payment of additional consideration. 2717
An individual utilizing a machine that involves a single game, 2718
play, contest, competition, or tournament may be awarded 2719
redeemable vouchers or merchandise prizes based on the results of 2720
play. 2721

(b) Advance play for a single game, play, contest, 2722
competition, or tournament participation may be purchased. The 2723
cost of the contest, competition, or tournament participation may 2724
be greater than a single noncontest, competition, or tournament 2725
play. 2726

(c) To the extent that the machine is used in a contest, 2727
competition, or tournament, that contest, competition, or 2728
tournament has a defined starting and ending date and is open to 2729
participants in competition for scoring and ranking results toward 2730
the awarding of redeemable vouchers or merchandise prizes that are 2731
stated prior to the start of the contest, competition, or 2732
tournament. 2733

(4) For purposes of division (AAA)(1) of this section, the 2734
mere presence of a device, such as a pin-setting, ball-releasing, 2735
or scoring mechanism, that does not contribute to or affect the 2736
outcome of the play of the game does not make the device a 2737
skill-based amusement machine. 2738

(BBB) "Merchandise prize" means any item of value, but shall 2739
not include any of the following: 2740

(1) Cash, gift cards, or any equivalent thereof; 2741

(2) Plays on games of chance, state lottery tickets, bingo, 2742
or instant bingo; 2743

(3) Firearms, tobacco, or alcoholic beverages; or 2744

(4) A redeemable voucher that is redeemable for any of the 2745
items listed in division (BBB)(1), (2), or (3) of this section. 2746

(CCC) "Redeemable voucher" means any ticket, token, coupon, 2747
receipt, or other noncash representation of value. 2748

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

to a participant or participants. 2752

(EEE) "Sporting organization" means a hunting, fishing, or 2753
trapping organization, other than a college or high school 2754
fraternity or sorority, that is not organized for profit, that is 2755
affiliated with a state or national sporting organization, 2756
including but not limited to, the Ohio league of sportsmen, and 2757
that has been in continuous existence in this state for a period 2758
of three years. 2759

(FFF) "Community action agency" has the same meaning as in 2760
section 122.66 of the Revised Code. 2761

Sec. 2915.02. (A) No person shall do any of the following: 2762

(1) Engage in bookmaking, or knowingly engage in conduct that 2763
facilitates bookmaking; 2764

(2) Establish, promote, or operate or knowingly engage in 2765
conduct that facilitates any game of chance conducted for profit 2766
or any scheme of chance; 2767

(3) Knowingly procure, transmit, exchange, or engage in 2768
conduct that facilitates the procurement, transmission, or 2769
exchange of information for use in establishing odds or 2770
determining winners in connection with bookmaking or with any game 2771
of chance conducted for profit or any scheme of chance; 2772

(4) Engage in betting or in playing any scheme or game of 2773
chance as a substantial source of income or livelihood; 2774

(5) With purpose to violate division (A)(1), (2), (3), or (4) 2775
of this section, acquire, possess, control, or operate any 2776
gambling device. 2777

(B) For purposes of division (A)(1) of this section, a person 2778
facilitates bookmaking if the person in any way knowingly aids an 2779
illegal bookmaking operation, including, without limitation, 2780
placing a bet with a person engaged in or facilitating illegal 2781

bookmaking. For purposes of division (A)(2) of this section, a 2782
person facilitates a game of chance conducted for profit or a 2783
scheme of chance if the person in any way knowingly aids in the 2784
conduct or operation of any such game or scheme, including, 2785
without limitation, playing any such game or scheme. 2786

(C) This section does not prohibit conduct in connection with 2787
gambling expressly permitted by law. 2788

(D) This section does not apply to any of the following: 2789

(1) Games of chance, if all of the following apply: 2790

(a) The games of chance are not craps for money or roulette 2791
for money. 2792

(b) The games of chance are conducted by a charitable 2793
organization that is, and has received from the internal revenue 2794
service a determination letter that is currently in effect, 2795
stating that the organization is, exempt from federal income 2796
taxation under subsection 501(a) and described in subsection 2797
501(c)(3) of the Internal Revenue Code. 2798

(c) The games of chance are conducted at festivals of the 2799
charitable organization that are conducted either for a period of 2800
four consecutive days or less and not more than twice a year or 2801
for a period of five consecutive days not more than once a year, 2802
and are conducted on premises owned by the charitable organization 2803
for a period of no less than one year immediately preceding the 2804
conducting of the games of chance, on premises leased from a 2805
governmental unit, or on premises that are leased from a veteran's 2806
or fraternal organization and that have been owned by the lessor 2807
veteran's or fraternal organization for a period of no less than 2808
one year immediately preceding the conducting of the games of 2809
chance. 2810

A charitable organization shall not lease premises from a 2811
veteran's or fraternal organization to conduct a festival 2812

described in division (D)(1)(c) of this section if the veteran's 2813
or fraternal organization already has leased the premises ~~four~~ 2814
twelve times during the preceding year to charitable organizations 2815
for that purpose. If a charitable organization leases premises 2816
from a veteran's or fraternal organization to conduct a festival 2817
described in division (D)(1)(c) of this section, the charitable 2818
organization shall not pay a rental rate for the premises per day 2819
of the festival that exceeds the rental rate per bingo session 2820
that a charitable organization may pay under division (B)(1) of 2821
section 2915.09 of the Revised Code when it leases premises from 2822
another charitable organization to conduct bingo games. 2823

(d) All of the money or assets received from the games of 2824
chance after deduction only of prizes paid out during the conduct 2825
of the games of chance are used by, or given, donated, or 2826
otherwise transferred to, any organization that is described in 2827
subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal 2828
Revenue Code and is either a governmental unit or an organization 2829
that is tax exempt under subsection 501(a) and described in 2830
subsection 501(c)(3) of the Internal Revenue Code; 2831

(e) The games of chance are not conducted during, or within 2832
ten hours of, a bingo game conducted for amusement purposes only 2833
pursuant to section 2915.12 of the Revised Code. 2834

No person shall receive any commission, wage, salary, reward, 2835
tip, donation, gratuity, or other form of compensation, directly 2836
or indirectly, for operating or assisting in the operation of any 2837
game of chance. 2838

(2) Any tag fishing tournament operated under a permit issued 2839
under section 1533.92 of the Revised Code, as "tag fishing 2840
tournament" is defined in section 1531.01 of the Revised Code; 2841

(3) Bingo conducted by a charitable organization that holds a 2842
license issued under section 2915.08 of the Revised Code. 2843

(E) Division (D) of this section shall not be construed to 2844
authorize the sale, lease, or other temporary or permanent 2845
transfer of the right to conduct games of chance, as granted by 2846
that division, by any charitable organization that is granted that 2847
right. 2848

(F) Whoever violates this section is guilty of gambling, a 2849
misdemeanor of the first degree. If the offender previously has 2850
been convicted of any gambling offense, gambling is a felony of 2851
the fifth degree. 2852

Sec. 2915.091. (A) No charitable organization that conducts 2853
instant bingo shall do any of the following: 2854

(1) Fail to comply with the requirements of divisions (A)(1), 2855
(2), and (3) of section 2915.09 of the Revised Code; 2856

(2) Conduct instant bingo unless either of the following 2857
~~apply~~ applies: 2858

(a) That organization is, and has received from the internal 2859
revenue service a determination letter that is currently in effect 2860
stating that the organization is, exempt from federal income 2861
taxation under subsection 501(a), is described in subsection 2862
501(c)(3) of the Internal Revenue Code, is a charitable 2863
organization as defined in section 2915.01 of the Revised Code, is 2864
in good standing in the state pursuant to section 2915.08 of the 2865
Revised Code, and is in compliance with Chapter 1716. of the 2866
Revised Code; 2867

(b) That organization is, and has received from the internal 2868
revenue service a determination letter that is currently in effect 2869
stating that the organization is, exempt from federal income 2870
taxation under subsection 501(a), is described in subsection 2871
501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) or is a veteran's 2872
organization described in subsection 501(c)(4) of the Internal 2873

Revenue Code, and conducts instant bingo under section 2915.13 of 2874
the Revised Code. 2875

(3) Conduct instant bingo on any day, at any time, or at any 2876
premises not specified on the organization's license issued 2877
pursuant to section 2915.08 of the Revised Code; 2878

(4) Permit any person whom the organization knows or should 2879
have known has been convicted of a felony or gambling offense in 2880
any jurisdiction to be a bingo game operator in the conduct of 2881
instant bingo; 2882

(5) Purchase or lease supplies used to conduct instant bingo 2883
or punch board games from any person except a distributor licensed 2884
under section 2915.081 of the Revised Code; 2885

(6) Sell or provide any instant bingo ticket or card for a 2886
price different from the price printed on it by the manufacturer 2887
on either the instant bingo ticket or card or on the game flare; 2888

(7) Sell an instant bingo ticket or card to a person under 2889
eighteen years of age; 2890

(8) Fail to keep unsold instant bingo tickets or cards for 2891
less than three years; 2892

(9) Pay any compensation to a bingo game operator for 2893
conducting instant bingo that is conducted by the organization or 2894
for preparing, selling, or serving food or beverages at the site 2895
of the instant bingo game, permit any auxiliary unit or society of 2896
the organization to pay compensation to any bingo game operator 2897
who prepares, sells, or serves food or beverages at an instant 2898
bingo game conducted by the organization, or permit any auxiliary 2899
unit or society of the organization to prepare, sell, or serve 2900
food or beverages at an instant bingo game conducted by the 2901
organization, if the auxiliary unit or society pays any 2902
compensation to the bingo game operators who prepare, sell, or 2903
serve the food or beverages; 2904

- (10) Pay fees to any person for any services performed in relation to an instant bingo game; 2905
2906
- (11) Pay fees to any person who provides refreshments to the participants in an instant bingo game; 2907
2908
- (12)(a) Allow instant bingo tickets or cards to be sold to bingo game operators at a premises at which the organization sells instant bingo tickets or cards or to be sold to employees of a D permit holder who are working at a premises at which instant bingo tickets or cards are sold; 2909
2910
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- (b) Division (A)(12)(a) of this section does not prohibit a licensed charitable organization or a bingo game operator from giving any person an instant bingo ~~tickets~~ ticket as a prize. 2914
2915
2916
- (13) Fail to display its bingo license, and the serial numbers of the deal of instant bingo tickets or cards to be sold, conspicuously at each premises at which it sells instant bingo tickets or cards; 2917
2918
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2920
- (14) Possess a deal of instant bingo tickets or cards that was not purchased from a distributor licensed under section 2915.081 of the Revised Code as reflected on an invoice issued by the distributor that contains all of the information required by division (E) of section 2915.10 of the Revised Code; 2921
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- (15) Fail, once it opens a deal of instant bingo tickets or cards, to continue to sell the tickets or cards in that deal until the tickets or cards with the top two highest tiers of prizes in that deal are sold; 2926
2927
2928
2929
- (16) ~~Purchase, lease, or use instant bingo ticket dispensers to sell instant bingo tickets or cards;~~ 2930
2931
- ~~(17)~~ Possess bingo supplies that were not obtained in accordance with sections 2915.01 to 2915.13 of the Revised Code. 2932
2933
- (B)(1) A charitable organization may conduct instant bingo 2934

other than at a bingo session at not more than five separate 2935
locations. A charitable organization that is exempt from federal 2936
taxation under subsection 501(a) and described in subsection 2937
501(c)(3) of the Internal Revenue Code and that is created by a 2938
veteran's organization or a fraternal organization is not limited 2939
in the number of separate locations the charitable organization 2940
may conduct instant bingo other than at a bingo session. 2941

(2) A charitable organization may purchase, lease, or use 2942
instant bingo ticket dispensers to sell instant bingo tickets or 2943
cards. 2944

(C) The attorney general may adopt rules in accordance with 2945
Chapter 119. of the Revised Code that govern the conduct of 2946
instant bingo by charitable organizations. Before those rules are 2947
adopted, the attorney general shall reference the recommended 2948
standards for opacity, randomization, minimum information, winner 2949
protection, color, and cutting for instant bingo tickets or cards, 2950
seal cards, and punch boards established by the North American 2951
gaming regulators association. 2952

(D) Whoever violates division (A) of this section or a rule 2953
adopted under division (C) of this section is guilty of illegal 2954
instant bingo conduct. Except as otherwise provided in this 2955
division, illegal instant bingo conduct is a misdemeanor of the 2956
first degree. If the offender previously has been convicted of a 2957
violation of division (A) of this section or of such a rule, 2958
illegal instant bingo conduct is a felony of the fifth degree. 2959

Sec. 3517.1015. Each person licensed under Chapter 3772. of 2960
the Revised Code shall disclose quarterly to the secretary of 2961
state any contribution of one hundred dollars or more made to any 2962
ballot issue. 2963

Sec. 3772.01. As used in this chapter: 2964

(A) "Applicant" means any person who applies to the 2965
commission for a license under this chapter. 2966

(B) "Casino facility" means casino facility as defined in 2967
Section 6(C)(9) of Article XV, Ohio Constitution. 2968

(C) "Casino gaming" means any type of slot machine or table 2969
game wagering, using money, casino credit, or any representative 2970
of value, authorized in any of the states of Indiana, Michigan, 2971
Pennsylvania, and West Virginia as of January 1, 2009, and 2972
includes slot machine and table game wagering subsequently 2973
authorized by, but shall not be limited by, subsequent 2974
restrictions placed on such wagering in such states. "Casino 2975
gaming" does not include bingo, as authorized in Section 6 of 2976
Article XV, Ohio Constitution and conducted as of January 1, 2009, 2977
or horse racing where the pari-mutuel system of wagering is 2978
conducted, as authorized under the laws of this state as of 2979
January 1, 2009. 2980

(D) "Casino gaming employee" means any employee of a casino 2981
operator or management company, but not a key employee, and as 2982
further defined in section 3772.131 of the Revised Code. 2983

(E) "Casino operator" means any person, trust, corporation, 2984
partnership, limited partnership, association, limited liability 2985
company, or other business enterprise that directly holds an 2986
ownership or leasehold interest in a casino facility. "Casino 2987
operator" does not include an agency of the state, any political 2988
subdivision of the state, any person, trust, corporation, 2989
partnership, limited partnership, association, limited liability 2990
company, or other business enterprise that may have an interest in 2991
a casino facility, but who is legally or contractually restricted 2992
from conducting casino gaming. 2993

(F) "Central system" means a computer system that provides 2994
the following functions related to casino gaming equipment used in 2995

connection with casino gaming authorized under this chapter: 2996
security, auditing, data and information retrieval, and other 2997
purposes deemed necessary and authorized by the commission. 2998

(G) "Commission" means the Ohio casino control commission. 2999

(H) "Gaming agent" means a peace officer employed by the 3000
commission that is vested with duties to enforce this chapter and 3001
conduct other investigations into the conduct of the casino gaming 3002
and the maintenance of the equipment that the commission considers 3003
necessary and proper and is in compliance with section 109.77 of 3004
the Revised Code. 3005

(I) "Gaming-related vendor" means any individual, 3006
partnership, corporation, association, trust, or any other group 3007
of individuals, however organized, who supplies equipment, goods, 3008
or services to a casino operator or management company, that are 3009
directly related to or affect casino gaming authorized under this 3010
chapter, including the manufacture, sale, distribution, or repair 3011
of slot machines and table game equipment. 3012

(J) "Holding company" means any corporation, firm, 3013
partnership, limited partnership, limited liability company, 3014
trust, or other form of business organization not a natural person 3015
which directly owns, has the power or right to control, or holds 3016
with power to vote, any part of an applicant, casino operator, 3017
management company, or gaming-related vendor license. 3018

(K) "Initial investment" includes costs related to 3019
engineering, architecture, design, site preparation, construction, 3020
infrastructure improvements, and leasehold improvements, land 3021
acquisition, fixtures and equipment, initial inventory, insurance 3022
related to construction, and working capital. 3023

(L) "Institutional investor" means any of the following 3024
entities owning one per cent or less, or a percentage between one 3025
and ten per cent as approved by the commission for a waiver on a 3026

case-by-case basis, ownership interest in a casino facility, 3027
casino operator, management company, or holding company: a 3028
corporation, bank, insurance company, pension fund or pension fund 3029
trust, retirement fund, including funds administered by a public 3030
agency, employees' profit-sharing fund or employees' 3031
profit-sharing trust, any association engaged, as a substantial 3032
part of its business or operations, in purchasing or holding 3033
securities, or any trust in respect of which a bank is trustee or 3034
cotrustee, investment company registered under the "Investment 3035
Company Act of 1940," 15 U.S.C. 80a-1 et seq., collective 3036
investment trust organized by banks under Part Nine of the Rules 3037
of the Comptroller of the Currency, closed-end investment trust, 3038
chartered or licensed life insurance company or property and 3039
casualty insurance company, investment advisor registered under 3040
the "Investment Advisors Act of 1940," 15 U.S.C. 80 b-1 et seq., 3041
and such other persons as the commission may reasonably determine 3042
to qualify as an institutional investor for reasons consistent 3043
with this chapter. 3044

(M) "Key employee" means any executive, employee, or agent of 3045
a casino operator or management company licensee having the power 3046
to exercise significant influence over decisions concerning any 3047
part of the operation of such licensee, including: 3048

(1) An officer, director, trustee, or partner of a person 3049
that has applied for or holds a casino operator, management 3050
company, or gaming-related vendor license or of a holding company 3051
that has control of a person that has applied for or holds a 3052
casino operator, management company, or gaming-related vendor 3053
license; 3054

(2) A person that holds a direct ownership interest of more 3055
than five per cent in a person that has applied for or holds a 3056
casino operator, management company, or gaming-related vendor 3057
license or holding company that has control of a person that has 3058

applied for or holds a casino operator, management company, or 3059
gaming-related vendor license; 3060

(3) A managerial employee of a person that has applied for or 3061
holds a casino operator or gaming-related vendor license in Ohio, 3062
or a managerial employee of a holding company that has control of 3063
a person that has applied for or holds a casino operator or 3064
gaming-related vendor license in Ohio, who performs the function 3065
of principal executive officer, principal operating officer, 3066
principal accounting officer, or an equivalent officer. 3067

The commission shall determine whether an individual whose 3068
duties or status varies from those described in this division also 3069
is considered a key employee. 3070

(N) "Licensed casino operator" means a casino operator that 3071
has been issued a license by the commission and that has been 3072
certified annually by the commission to have paid all applicable 3073
fees, taxes, and debts to the state. 3074

(O) "Majority ownership interest" in a license or in a casino 3075
facility, as the case may be, means ownership of more than fifty 3076
per cent of such license or casino facility, as the case may be. 3077
For purposes of the foregoing, whether a majority ownership 3078
interest is held in a license or in a casino facility, as the case 3079
may be, shall be determined under the rules for constructive 3080
ownership of stock provided in Treas. Reg. 1.409A-3(i)(5)(iii) as 3081
in effect on January 1, 2009. 3082

(P) "Management company" means an organization retained by a 3083
casino operator to manage a casino facility and provide services 3084
such as accounting, general administration, maintenance, 3085
recruitment, and other operational services. 3086

(Q) "Ohio law enforcement training fund" means the state law 3087
enforcement training fund described in Section 6(C)(3)(f) of 3088
Article XV, Ohio Constitution, the money in which shall be used to 3089

enhance public safety by providing additional training 3090
opportunities to the law enforcement community. 3091

(R) "Person" includes, but is not limited to, an individual 3092
or a combination of individuals; a sole proprietorship, a firm, a 3093
company, a joint venture, a partnership of any type, a joint-stock 3094
company, a corporation of any type, a corporate subsidiary of any 3095
type, a limited liability company, a business trust, or any other 3096
business entity or organization; an assignee; a receiver; a 3097
trustee in bankruptcy; an unincorporated association, club, 3098
society, or other unincorporated entity or organization; entities 3099
that are disregarded for federal income tax purposes; and any 3100
other nongovernmental, artificial, legal entity that is capable of 3101
engaging in business. 3102

(S) "Problem casino gambling and addictions fund" means the 3103
state problem gambling and addictions fund described in Section 3104
6(C)(3)(g) of Article XV, Ohio Constitution, the money in which 3105
shall be used for treatment of problem gambling and substance 3106
abuse, and for related research. 3107

(T) "Slot machine" means any mechanical, electrical, or other 3108
device or machine which, upon insertion of a coin, token, ticket, 3109
or similar object, or upon payment of any consideration, is 3110
available to play or operate, the play or operation of which, 3111
whether by reason of the skill of the operator or application of 3112
the element of chance, or both, makes individual prize 3113
determinations for individual participants in cash, premiums, 3114
merchandise, tokens, or any thing of value, whether the payoff is 3115
made automatically from the machine or in any other manner. 3116

(U) "Table game" means any game played with cards, dice, or 3117
any mechanical, electromechanical, or electronic device or machine 3118
for money, casino credit, or any representative of value. "Table 3119
game" does not include slot machines. 3120

(V) "Upfront license" means the first plenary license issued 3121
to a casino operator. 3122

(W) "Voluntary exclusion program" means a program provided by 3123
the commission that allows persons to voluntarily exclude 3124
themselves from the gaming areas of facilities under the 3125
jurisdiction of the commission by placing their name on a 3126
voluntary exclusion list and following the procedures set forth by 3127
the commission. 3128

Sec. 3772.02. (A) There is hereby created the Ohio casino 3129
control commission described in Section 6(C)(1) of Article XV, 3130
Ohio Constitution. 3131

(B) The commission shall consist of seven members appointed 3132
within one month of the effective date of this section by the 3133
governor with the advice and consent of the senate. The governor 3134
shall forward all appointments to the senate within twenty-four 3135
hours. 3136

(1) Each commission member is eligible for reappointment at 3137
the discretion of the governor. No commission member shall be 3138
appointed for more than three terms in total. 3139

(2) Each commission member shall be a resident of Ohio. 3140

(3) At least one commission member shall be experienced in 3141
law enforcement and criminal investigation. 3142

(4) At least one commission member shall be a certified 3143
public accountant experienced in accounting and auditing. 3144

(5) At least one commission member shall be an attorney 3145
admitted to the practice of law in Ohio. 3146

(6) At least one commission member shall be a resident of a 3147
county where one of the casino facilities is located. 3148

(7) Not more than four commission members shall be of the 3149

same political party. 3150

(8) No commission member shall have any affiliation with an 3151
Ohio casino operator or facility. 3152

(C) Commission members shall serve four-year terms, except 3153
that when the governor makes initial appointments to the 3154
commission under this chapter, the governor shall appoint three 3155
members to serve four-year terms with not more than two such 3156
members from the same political party, two members to serve 3157
three-year terms with such members not being from the same 3158
political party, and two members to serve two-year terms with such 3159
members not being from the same political party. 3160

(D) Each commission member shall hold office from the date of 3161
appointment until the end of the term for which the member was 3162
appointed. Any member appointed to fill a vacancy occurring before 3163
the expiration of the term for which the member's predecessor was 3164
appointed shall hold office for the remainder of the unexpired 3165
term. Any member shall continue in office after the expiration 3166
date of the member's term until the member's successor takes 3167
office, or until a period of sixty days has elapsed, whichever 3168
occurs first. A vacancy in the commission membership shall be 3169
filled in the same manner as the original appointment. 3170

(E) The governor shall select one member to serve as 3171
chairperson and the commission members shall select one member 3172
from a different party than the chairperson to serve as 3173
vice-chairperson. The governor may remove and replace the 3174
chairperson at any time. No such member shall serve as chairperson 3175
for more than six successive years. The vice-chairperson shall 3176
assume the duties of the chairperson in the absence of the 3177
chairperson. The chairperson and vice-chairperson shall perform 3178
but shall not be limited to additional duties as are prescribed by 3179
commission rule. 3180

(F) A commission member is not required to devote the member's full time to membership on the commission. Each member of the commission shall receive compensation of sixty thousand dollars per year, payable in monthly installments for the first four years of the commission's existence. Each member shall receive the member's actual and necessary expenses incurred in the discharge of the member's official duties. 3181
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(G) The governor shall not appoint an individual to the commission, and an individual shall not serve on the commission, if the individual has been convicted of or pleaded guilty or no contest to a disqualifying offense as defined in section 3772.07 of the Revised Code. Members coming under indictment or bill of information of a disqualifying offense shall resign from the commission immediately upon indictment. 3188
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(H) At least five commission members shall be present for the commission to meet. The concurrence of four members is necessary for the commission to take any action. All members shall vote on the adoption of rules, and the approval of, and the suspension or revocation of, the licenses of casino operators or management companies, unless a member has a written leave of absence filed with and approved by the chairperson. 3195
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(I) A commission member may be removed or suspended from office in accordance with section 3.04 of the Revised Code. 3202
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(J) Each commission member, before entering upon the discharge of the member's official duties, shall make an oath to uphold the Ohio Constitution and laws of the state of Ohio and shall give a bond, payable by the commission, to the treasurer of state, in the sum of ten thousand dollars with sufficient sureties to be approved by the treasurer of state, which bond shall be filed with the secretary of state. 3204
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(K) The commission shall hold one regular meeting each month 3211

and shall convene other meetings at the request of the chairperson 3212
or a majority of the members. A member who fails to attend at 3213
least three-fifths of the regular and special meetings of the 3214
commission during any two-year period forfeits membership on the 3215
commission. All meetings of the commission shall be open meetings 3216
under section 121.22 of the Revised Code except as otherwise 3217
allowed by law. 3218

Sec. 3772.03. (A) To ensure the integrity of casino gaming, 3219
the commission shall have authority to complete the functions of 3220
licensing, regulating, investigating, and penalizing casino 3221
operators, management companies, holding companies, key employees, 3222
and gaming-related vendors. The commission also shall have 3223
jurisdiction over all persons participating in casino gaming 3224
authorized by Section 6(C) of Article XV, Ohio Constitution, and 3225
this chapter. 3226

(B) All rules adopted by the commission under this chapter 3227
shall be adopted under procedures established in Chapter 119. of 3228
the Revised Code. 3229

(C) Within six months of the effective date of this section, 3230
the commission shall adopt initial rules as are necessary for 3231
completing the functions stated in division (A) of this section 3232
and for addressing the subjects enumerated in division (D) of this 3233
section. 3234

(D) The commission shall adopt, and as advisable and 3235
necessary shall amend or repeal, rules that include all of the 3236
following: 3237

(1) The prevention of practices detrimental to the public 3238
interest; 3239

(2) Prescribing the method of applying, and the form of 3240
application, that an applicant for a license under this chapter 3241

<u>must follow as otherwise described in this chapter;</u>	3242
<u>(3) Prescribing the information to be furnished by an applicant or licensee as described in section 3772.11 of the Revised Code;</u>	3243
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	3245
<u>(4) Describing the certification standards and duties of an independent testing laboratory certified under section 3772.33 of the Revised Code and the relationship between the commission, the laboratory, the gaming-related vendor, and the casino operator;</u>	3246
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<u>(5) The minimum amount of insurance that must be maintained by a casino operator, management company, holding company, or gaming-related vendor;</u>	3250
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	3252
<u>(6) The approval process for a significant change in ownership or transfer of control of a licensee as provided in section 3772.091 of the Revised Code;</u>	3253
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<u>(7) The design of gaming supplies, devices, and equipment to be distributed by gaming-related vendors;</u>	3256
	3257
<u>(8) Identifying the casino gaming that is permitted, identifying the gaming supplies, devices, and equipment that are permitted, defining the area in which the permitted casino gaming may be conducted, specifying the method of operation according to which the permitted casino gaming is to be conducted as provided in section 3772.20 of the Revised Code, and requiring gaming devices and equipment to be tested in and meet the standards of this state;</u>	3258
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<u>(9) Tournament play in any casino facility;</u>	3266
<u>(10) Establishing and implementing a voluntary exclusion program that provides all of the following:</u>	3267
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<u>(a) Except as provided by commission rule, a person who participates in the program shall agree to refrain from entering a casino facility.</u>	3269
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(b) The name of a person participating in the program shall 3272
be included on a list of persons excluded from all casino 3273
facilities. 3274

(c) Except as provided by commission rule, no person who 3275
participates in the program shall petition the commission for 3276
admittance into a casino facility. 3277

(d) The list of persons participating in the program and the 3278
personal information of those persons shall be confidential and 3279
shall only be disseminated by the commission to a casino operator 3280
for purposes of enforcement and to other entities, upon request of 3281
the participant and agreement by the commission. 3282

(e) A casino operator shall make all reasonable attempts as 3283
determined by the commission to cease all direct marketing efforts 3284
to a person participating in the program. 3285

(f) A casino operator shall not cash the check of a person 3286
participating in the program or extend credit to the person in any 3287
manner. However, the program shall not exclude a casino operator 3288
from seeking the payment of a debt accrued by a person before 3289
participating in the program. 3290

(g) Any and all locations at which a person may register as a 3291
participant in the program shall be published. 3292

(11) Requiring the commission to adopt standards regarding 3293
the marketing materials of a licensed casino operator, including 3294
allowing the commission to prohibit marketing materials that are 3295
contrary to the adopted standards; 3296

(12) Requiring that the records, including financial 3297
statements, of any casino operator, management company, holding 3298
company, and gaming-related vendor be maintained in the manner 3299
prescribed by the commission and made available for inspection 3300
upon demand by the commission; 3301

(13) Permitting a licensed casino operator, management company, key employee, or casino gaming employee to question a person suspected of violating this chapter; 3302
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(14) The chips, tokens, tickets, electronic cards, or similar objects that may be purchased by means of an agreement under which credit is extended to a wagerer by a casino operator; 3305
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(15) Establishing standards for provisional key employee licenses for a person who is required to be licensed as a key employee and is in exigent circumstances and standards for provisional licenses for casino gaming employees who submit complete applications and are compliant under an instant background check. A provisional license shall be valid not longer than three months. A provisional license may be renewed one time, at the commission's discretion, for an additional three months. In establishing standards with regard to instant background checks the commission shall take notice of criminal records checks as they are conducted under section 311.41 of the Revised Code using electronic fingerprint reading devices. 3308
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(16) Establishing approval procedures for third-party engineering or accounting firms, as described in section 3772.09 of the Revised Code; 3320
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(17) Prescribing the manner in which winnings, compensation from casino gaming, and gross revenue must be computed and reported by a licensee as described in section 3772.32 and Chapter 5753. of the Revised Code; 3323
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(18) Prescribing conditions under which a licensee's license may be suspended or revoked as described in section 3772.04 of the Revised Code; 3327
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(19) Prescribing the manner and procedure of all hearings to be conducted by the commission or by any hearing examiner; 3330
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(20) Prescribing technical standards and requirements that 3332

are to be met by security and surveillance equipment that is used 3333
at and standards and requirements to be met by personnel who are 3334
employed at casino facilities, and standards and requirements for 3335
the provision of security at and surveillance of casino 3336
facilities; 3337

(21) Prescribing requirements for a casino operator to 3338
provide unarmed security services at a casino facility by licensed 3339
casino employees, and the training that shall be completed by 3340
these employees; 3341

(22) Prescribing standards according to which casino 3342
operators shall keep accounts and standards according to which 3343
casino accounts shall be audited, and establish means of assisting 3344
the tax commissioner in levying and collecting the gross casino 3345
revenue tax levied under section 5753.02 of the Revised Code; 3346

(23) Defining a schedule of penalties for violation of 3347
commission rules and a process for imposing such penalties subject 3348
to the approval of the joint committee on gaming and wagering; 3349

(24) Establishing standards for decertifying contractors that 3350
violate statutes or rules of this state or the federal government; 3351

(25) Establishing procedures to ensure that casino operators, 3352
management companies, and holding companies are compliant with the 3353
compulsive and problem gambling plan submitted under section 3354
3772.18 of the Revised Code. 3355

(26) Establishing standards for the repair of casino gaming 3356
equipment; 3357

(27) Providing for any other thing necessary and proper for 3358
successful and efficient regulation of casino gaming under this 3359
chapter. 3360

(E) The commission shall employ and assign gaming agents as 3361
necessary to assist the commission in carrying out the duties of 3362

this chapter. In order to maintain employment as a gaming agent, 3363
the gaming agent shall successfully complete all continuing 3364
training programs required by the commission and shall not have 3365
been convicted of or pleaded guilty or no contest to a 3366
disqualifying offense as defined in section 3772.07 of the Revised 3367
Code. 3368

(F) The commission and its gaming agents shall have authority 3369
with regard to the detection and investigation of, the seizure of 3370
evidence allegedly relating to, and the apprehension and arrest of 3371
persons allegedly committing gaming offenses, and shall have 3372
access to casino facilities to carry out the requirements of this 3373
chapter. 3374

(G) The commission may eject or exclude or authorize the 3375
ejection or exclusion of and a gaming agent may eject a person 3376
from a casino facility for any of the following reasons: 3377

(1) The person's name is on the list of persons voluntarily 3378
excluding themselves from all casinos in a program established 3379
according to rules adopted by the commission; 3380

(2) The person violates or conspires to violate this chapter 3381
or a rule adopted thereunder; or 3382

(3) The commission determines that the person's conduct or 3383
reputation is such that the person's presence within a casino 3384
facility may call into question the honesty and integrity of the 3385
casino gaming operations or interfere with the orderly conduct of 3386
the casino gaming operations. 3387

(H) A person, other than a person participating in a 3388
voluntary exclusion program, may petition the commission for a 3389
public hearing on the person's ejection or exclusion under this 3390
chapter. 3391

(I) A casino operator or management company shall have the 3392
same authority to eject or exclude a person from the management 3393

company's casino facilities as authorized in division (G) of this 3394
section. 3395

(J) The commission shall submit a written annual report with 3396
the governor, president of the senate, speaker of the house of 3397
representatives, and the permanent joint committee on gaming and 3398
wagering before the first day of September each year. The annual 3399
report shall include a statement describing the receipts and 3400
disbursements of the commission, relevant financial data regarding 3401
casino gaming, including gross revenues and disbursements made 3402
under this chapter, actions taken by the commission, an update on 3403
casino operators', management companies', and holding companies' 3404
compulsive and problem gambling plans and the voluntary exclusion 3405
program and list, and any additional information that the 3406
commission considers useful or that the governor, president of the 3407
senate, speaker of the house of representatives, or permanent 3408
joint committee on gaming and wagering requests. 3409

Sec. 3772.031. (A) The general assembly finds that the 3410
exclusion or ejection of certain persons from casino facilities is 3411
necessary to effectuate the intents and purposes of this chapter 3412
and to maintain strict and effective regulation of casino gaming. 3413
The commission, by rule, shall provide for a list of persons who 3414
are to be excluded or ejected from a casino facility. Persons 3415
included on the exclusion list shall be identified by name and 3416
physical description. The commission shall publish the exclusion 3417
list on its web site, and shall transmit a copy of the exclusion 3418
list periodically to casino operators, as it is initially issued 3419
and thereafter as it is revised from time to time. A casino 3420
operator shall take steps necessary to ensure that all its key 3421
employees and casino gaming employees are aware of and understand 3422
the exclusion list and its function, and that all its key 3423
employees and casino gaming employees are kept aware of the 3424
content of the exclusion list as it is issued and thereafter 3425

revised from time to time. 3426

(B) The exclusion list may include any person whose presence 3427
in a casino facility is determined by the commission to pose a 3428
threat to the interests of the state, to achieving the intents and 3429
purposes of this chapter, or to the strict and effective 3430
regulation of casino gaming. In determining whether to include a 3431
person on the exclusion list, the commission may consider: 3432

(1) Any prior conviction of a crime that is a felony under 3433
the laws of this state, another state, or the United States, a 3434
crime involving moral turpitude, or a violation of the gaming laws 3435
of this state, another state, or the United States; and 3436

(2) A violation, or a conspiracy to violate, any provision of 3437
this chapter that consists of: 3438

(a) A failure to disclose an interest in a gaming facility 3439
for which the person must obtain a license; 3440

(b) Purposeful evasion of taxes or fees; 3441

(c) A notorious or unsavory reputation that would adversely 3442
affect public confidence and trust that casino gaming is free from 3443
criminal or corruptive elements; or 3444

(d) A violation of an order of the commission or of any other 3445
governmental agency that warrants exclusion or ejection of the 3446
person from a casino facility. 3447

(3) If the person has pending charges or indictments for a 3448
gaming or gambling crime or a crime related to the integrity of 3449
gaming operations in any state; 3450

(4) If the person's conduct or reputation is such that the 3451
person's presence within a casino facility may call into question 3452
the honesty and integrity of the casino gaming operations or 3453
interfere with the orderly conduct of the casino gaming 3454
operations; 3455

(5) If the person is a career or professional offender whose presence in a casino facility would be adverse to the interest of licensed gaming in this state; 3456
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(6) If the person has a known relationship or connection with a career or professional offender whose presence in a casino facility would be adverse to the interest of licensed gaming in this state; 3459
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(7) If the commission has suspended the person's gaming privileges; 3463
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(8) If the commission has revoked the person's licenses related to this chapter; 3465
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(9) If the commission determines that the person poses a threat to the safety of patrons or employees of a casino facility; 3467
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(10) If the person has a history of conduct involving the disruption of gaming operations within a casino facility. 3469
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Race, color, creed, national origin or ancestry, or sex are not grounds for placing a person on the exclusion list. 3471
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(C) The commission shall notify a person of the commission's intent to include such person on the exclusion list. The notice shall be provided by personal service, by certified mail to the person's last known address, or, if service cannot be accomplished by personal service or certified mail, by publication daily for two weeks in a newspaper of general circulation within the county in which the person resides and in a newspaper of general circulation within each county in which a casino facility is located. 3473
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(D) A person who receives notice of intent to include the person on the exclusion list is entitled to an adjudication hearing under Chapter 119. of the Revised Code, except as provided in this section, in which the person may demonstrate why the 3482
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person should not be included on the exclusion list. The person 3486
shall request such an adjudication hearing not later than thirty 3487
days after the person receives the notice by personal service or 3488
certified mail, or not later than thirty days after the last 3489
newspaper publication of the notice. If the adjudication hearing 3490
or any appeal under Chapter 119. of the Revised Code results in an 3491
order that the person should not be included on the exclusion 3492
list, the commission shall publish a revised exclusion list that 3493
does not include the person. The commission also shall notify 3494
casino operators that the person has been removed from the 3495
exclusion list. A casino operator shall take all steps necessary 3496
to ensure its key employees and casino gaming employees are made 3497
aware that the person has been removed from the exclusion list. 3498

(E) This section does not apply to the voluntary exclusion 3499
list created as part of the voluntary exclusion program. 3500

Sec. 3772.032. (A) The permanent joint committee on gaming 3501
and wagering is established. The committee consists of six 3502
members. The speaker of the house of representatives shall appoint 3503
to the committee three members of the house of representatives and 3504
the president of the senate shall appoint to the committee three 3505
members of the senate. Not more than two members appointed from 3506
each chamber may be members of the same political party. The 3507
chairperson shall be from the opposite party as the chairperson of 3508
the joint committee on agency rule review. If the chairperson is 3509
to be from the house of representatives, the speaker of the house 3510
of representatives shall designate a member as the chairperson and 3511
the president of the senate shall designate a member as the 3512
vice-chairperson. If the chairperson is to be from the senate, the 3513
president of the senate shall designate a member as the 3514
chairperson and the speaker of the house of representatives shall 3515
designate a member as the vice-chairperson. 3516

<u>(B) The committee shall:</u>	3517
<u>(1) Review all constitutional amendments, laws, and rules governing the operation and administration of casino gaming and all authorized gaming and wagering activities and recommend to the general assembly and commission any changes it may find desirable with respect to the language, structure, and organization of those amendments, laws, or rules;</u>	3518 3519 3520 3521 3522 3523
<u>(2) Make an annual report to the governor and to the general assembly with respect of the operation and administration of casino gaming;</u>	3524 3525 3526
<u>(3) Approve all changes of fees and penalties as provided in this chapter and rules adopted thereunder; and</u>	3527 3528
<u>(4) Study all proposed changes to the constitution and laws of this state and to the rules adopted by the commission governing the operation and administration of casino gaming, and report to the general assembly on their adequacy and desirability as a matter of public policy.</u>	3529 3530 3531 3532 3533
<u>(C) Any study, or any expense incurred, in furtherance of the committee's objectives shall be paid for from, or out of, the casino control commission fund or other appropriation provided by law. The members shall receive no additional compensation, but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.</u>	3534 3535 3536 3537 3538 3539
<u>Sec. 3772.033.</u> <u>In carrying out the responsibilities vested in the commission by this chapter, the commission may do all the following and may designate any such responsibilities to the executive director, to its employees, or to the gaming agents:</u>	3540 3541 3542 3543
<u>(A) Inspect and examine all premises where casino gaming is conducted or gaming supplies, devices, or equipment are manufactured, sold, or distributed;</u>	3544 3545 3546

<u>(B) Inspect all gaming supplies, devices, and equipment in or</u>	3547
<u>about a casino facility;</u>	3548
<u>(C) Summarily impound and seize and remove from the casino</u>	3549
<u>facility premises gaming supplies, devices, and equipment for the</u>	3550
<u>purpose of examination and inspection;</u>	3551
<u>(D) Determine any facts, or any conditions, practices, or</u>	3552
<u>other matters, as the commission considers necessary or proper to</u>	3553
<u>aid in the enforcement of this chapter or of a rule adopted</u>	3554
<u>thereunder;</u>	3555
<u>(E) Audit gaming operations that have ceased operation;</u>	3556
<u>(F) Investigate, for the purpose of prosecution, any</u>	3557
<u>suspected violation of this chapter or rules adopted thereunder;</u>	3558
<u>(G) Investigate as appropriate to aid the commission and to</u>	3559
<u>seek the executive director's advice in adopting rules;</u>	3560
<u>(H) Secure information as is necessary to provide a basis for</u>	3561
<u>recommending legislation for the improvement of this chapter;</u>	3562
<u>(I) Make, execute, and otherwise effectuate all contracts and</u>	3563
<u>other agreements, including contracts for necessary purchases of</u>	3564
<u>goods and services. Except for any contract entered into with</u>	3565
<u>independent testing laboratories under section 3772.31 of the</u>	3566
<u>Revised Code, the commission shall ensure use of Ohio products or</u>	3567
<u>services in compliance with sections 125.09 and 125.11 of the</u>	3568
<u>Revised Code and all rules adopted thereunder.</u>	3569
<u>(J) Employ the services of persons the commission considers</u>	3570
<u>necessary for the purposes of consultation or investigation, and</u>	3571
<u>fix the salaries of, or contract for the services of, legal,</u>	3572
<u>accounting, technical, operational, and other personnel and</u>	3573
<u>consultants;</u>	3574
<u>(K) Secure, by agreement, information and services as the</u>	3575
<u>commission considers necessary from any state agency or other unit</u>	3576

of state government; 3577

(L) Acquire furnishings, equipment, supplies, stationery, 3578
books, and all other things the commission considers necessary or 3579
desirable to successfully and efficiently carry out the 3580
commission's duties and functions; and 3581

(M) Perform all other things the commission considers 3582
necessary to effectuate the intents and purposes of this chapter. 3583

The commission is subject to the Ohio consumer sales 3584
practices act, Chapter 1345. of the Revised Code. 3585

Sec. 3772.034. Absent gross negligence, a casino operator, 3586
management company, holding company, gaming-related vendor, the 3587
state, and employees of those entities are entitled to immunity 3588
from any type of civil liability if a person participating in the 3589
voluntary exclusion program enters a casino facility. 3590

Sec. 3772.04. (A)(1) If, as the result of an investigation, 3591
the commission concludes that a license or finding required by 3592
this chapter should be limited, conditioned, or restricted, or 3593
suspended or revoked, the commission shall conduct an adjudication 3594
under Chapter 119. of the Revised Code. 3595

(2) The commission shall appoint a hearing examiner to 3596
conduct the hearing in the adjudication. A party to the 3597
adjudication may file written objections to the hearing examiner's 3598
report and recommendations not later than the thirtieth day after 3599
they are served upon the party or the party's attorney or other 3600
representative of record. The commission shall not take up the 3601
hearing examiner's report and recommendations earlier than the 3602
thirtieth day after the hearing examiner's report and 3603
recommendations were submitted to the commission. 3604

(3) If the commission finds that a person has violated this 3605
chapter or a rule adopted thereunder, the commission may issue an 3606

order: 3607

(a) Limiting, conditioning, or restricting, or suspending or 3608
revoking, a license issued under this chapter; 3609

(b) Limiting, conditioning, or restricting, or suspending or 3610
revoking, a finding made under this chapter; 3611

(c) Requiring a casino facility to exclude a licensee from 3612
the casino facility or requiring a casino facility not to pay to 3613
the licensee any remuneration for services or any share of 3614
profits, income, or accruals on the licensee's investment in the 3615
casino facility; or 3616

(d) Fining a licensee or other person according to the 3617
schedule of penalties adopted by the commission. 3618

(4) An order may be judicially reviewed under section 119.12 3619
of the Revised Code. 3620

(B) For the purpose of conducting any study or investigation, 3621
the commission may direct that public hearings be held at a time 3622
and place, prescribed by the commission, in accordance with 3623
section 121.22 of the Revised Code. The commission shall give 3624
notice of all public hearings in such manner as will give actual 3625
notice to all interested parties. 3626

(C) In the discharge of any duties imposed by this chapter, 3627
the commission may require that testimony be given under oath and 3628
administer such oath, issue subpoenas compelling the attendance of 3629
witnesses and the production of any papers, books, and accounts, 3630
and cause the deposition of any witness. In the event of the 3631
refusal of any person without good cause to comply with the terms 3632
of a subpoena issued by the commission or refusal to testify on 3633
matters about which the person may lawfully be questioned, the 3634
prosecuting attorney of the county in which such person resides, 3635
upon the petition of the commission, may bring a proceeding for 3636
contempt against such person in the court of common pleas of that 3637

county. 3638

(D) When conducting a public hearing, the commission shall 3639
not limit the number of speakers who may testify. However, the 3640
commission may set reasonable time limits on the length of an 3641
individual's testimony or the total amount of time allotted to 3642
proponents and opponents of an issue before the commission. 3643

(E) An administrative law judge appointed by the commission 3644
may conduct a hearing under this chapter and recommend findings of 3645
fact and decisions to the commission. 3646

(F) The commission may rely, in whole or in part, upon 3647
investigations, conclusions, or findings of other casino gaming 3648
commissions or other government regulatory bodies in connection 3649
with licensing, investigations, or other matters relating to an 3650
applicant or licensee under this chapter. Such investigations, 3651
conclusions, or findings may be supported by documented evidence. 3652
The commission shall not rely on hearsay. 3653

Sec. 3772.05. To carry out the provisions of this chapter and 3654
other enforcement provisions provided for under the laws of this 3655
state, the tax commissioner, the inspector general, and the 3656
commission, and their respective employees, may demand access to 3657
and inspect, examine, photocopy, and audit all books, accounts, 3658
records, and memoranda of any person that is not protected by 3659
privilege and that is subject to the provisions of this chapter, 3660
and may examine under oath any officer, agent, or employee of that 3661
person. 3662

Sec. 3772.051. Upon cessation of gaming operations, a former 3663
licensee shall furnish, upon the demand of the commission, books, 3664
papers, and other records as necessary for the commission to audit 3665
the ceased gaming operation. A former licensee shall maintain all 3666
books, papers, and other records for a period of three years after 3667

the cessation of gaming operations. However, if a civil action or 3668
criminal proceeding relating to the former licensee is pending, or 3669
if an administrative adjudication or judicial review of an 3670
administrative adjudication relating to the former licensee is 3671
pending, the former licensee shall maintain all books, papers, and 3672
other records until the matter has been finally determined. 3673

If a person disobeys a subpoena or subpoena duces tecum, or 3674
refuses to testify as directed by a subpoena, the commission shall 3675
request the prosecutor of the county in which the person resides 3676
to apply to the court of common pleas for an order compelling the 3677
person to attend or to produce tangible evidence, or to testify, 3678
as directed by the subpoena or subpoena duces tecum. The court 3679
shall treat the application as if it were disobedience to comply 3680
with a subpoena or subpoena duces tecum issued by the court or a 3681
refusal to testify in the court. 3682

Sec. 3772.06. (A)(1) The commission shall appoint an 3683
executive director who shall serve at the pleasure of the 3684
commission. The executive director is in the unclassified service, 3685
shall devote full time to the duties of the office, and shall hold 3686
no other office or employment. The executive director shall, by 3687
experience and training, possess management skills that equip the 3688
executive director to administer an enterprise of the nature of 3689
the commission. The executive director shall not have a pecuniary 3690
interest in any business organization that holds a license under 3691
this chapter, or that does business with any person licensed under 3692
this chapter. A member of the general assembly, a person who holds 3693
an elective office, or an office holder of a political party is 3694
ineligible to be appointed executive director at the same time as 3695
being such a member or holding such an office. The executive 3696
director shall receive an annual salary in accordance with pay 3697
range 48 of section 124.152 of the Revised Code. 3698

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

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

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

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

(C) A state agency or other unit of state government shall cooperate with the commission, and shall provide the commission

with information and services the commission considers necessary 3731
to carry out the commission's duties and functions under this 3732
chapter. 3733

(D) The executive director shall confer at least once each 3734
month with the commission, at which time the executive director 3735
shall advise it regarding the operation and administration of the 3736
commission and casino gaming. The executive director shall make 3737
available at the request of the commission all documents, files, 3738
and other records pertaining to the operation and administration 3739
of the commission and casino gaming. The executive director shall 3740
prepare and make available to the commission each month a complete 3741
and accurate accounting of gross casino gaming revenues, and all 3742
other relevant financial information, including an accounting of 3743
all transfers made from the casino control commission fund. 3744

(E) An individual shall not be appointed executive director 3745
or retain appointment as executive director, and a person shall 3746
not be appointed as a professional, technical, or clerical 3747
employee of the commission or retain appointment as such an 3748
employee, if the individual has been convicted of or has pleaded 3749
guilty or no contest to a disqualifying offense as defined in 3750
section 3772.07 of the Revised Code. 3751

Sec. 3772.061. The executive director shall appoint the 3752
number of professional, technical, and clerical employees that is 3753
necessary, in the executive director's reasonable opinion, for 3754
conducting internal audits, as an internal auditing department, of 3755
the commission. The professional and technical employees so 3756
appointed shall be qualified by education, licensing (if 3757
relevant), and experience to perform the internal audit function 3758
successfully and efficiently. These employees, together with 3759
clerical employees necessary for their support, shall be assigned 3760
only to the internal audit function and not to any other function 3761

of the commission. 3762

The internal auditing department, at reasonable intervals and 3763
as necessary, shall conduct internal audits of the commission. The 3764
internal audits shall audit the accounts and transactions of the 3765
commission, ascertain the condition of funds used by the 3766
commission, and make an inventory of the funds and of the assets 3767
under the control of the commission. The report of an internal 3768
audit shall be signed by the employee who was principally 3769
responsible for conducting the internal audit. A copy of the 3770
signed report shall be forwarded to the commission and to the 3771
auditor of state. The report is not a public record that is open 3772
to public inspection and copying until it has been forwarded as 3773
required by the preceding sentence. 3774

Sec. 3772.062. The executive director of the commission shall 3775
enter into an agreement with the department of alcohol and drug 3776
addiction services under which the department provides a program 3777
of gambling and addiction services on behalf of the commission. 3778
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Sec. 3772.07. The following appointing or licensing 3780
authorities shall obtain a criminal records check of the person 3781
who is to be appointed or licensed: 3782

(A) The governor, before appointing an individual as a member 3783
of the commission; 3784

(B) The commission, before appointing an individual as 3785
executive director or a gaming agent; 3786

(C) The commission, before issuing a license for a key 3787
employee or casino gaming employee, and before issuing a license 3788
for each investor, except an institutional investor, for a casino 3789
operator, management company, holding company, or gaming-related 3790

vendor; 3791

(D) The executive director, before appointing an individual 3792
as a professional, technical, or clerical employee of the 3793
commission. 3794

Thereafter, such an appointing or licensing authority shall 3795
obtain a criminal records check of the same individual at 3796
three-year intervals. 3797

The appointing or licensing authority shall provide to each 3798
person of whom a criminal records check is required a copy of the 3799
form and the standard fingerprint impression sheet prescribed 3800
under divisions (C)(1) and (2) of section 109.572 of the Revised 3801
Code. The person shall complete the form and impression sheet and 3802
return them to the appointing or licensing authority. If a person 3803
fails to complete and return the form and impression sheet within 3804
a reasonable time, the person is ineligible to be appointed or 3805
licensed or to continue in the appointment or licensure. 3806

The appointing or licensing authority shall forward the 3807
completed form and impression sheet to the superintendent of the 3808
bureau of criminal identification and investigation. The 3809
appointing or licensing authority shall request the superintendent 3810
also to obtain information from the federal bureau of 3811
investigation, including fingerprint-based checks of the national 3812
crime information databases, and from other states and the federal 3813
government under the national crime prevention and privacy compact 3814
as part of the criminal records check. 3815

The commission shall pay the fee the bureau of criminal 3816
identification and investigation charges for all criminal records 3817
checks conducted under this section. An applicant for a casino 3818
operator, management company, holding company, or gaming-related 3819
vendor license shall reimburse the commission for the amount of 3820
the fee paid on the applicant's behalf. An applicant for a key 3821

employee or casino gaming employee license shall reimburse the 3822
commission for the amount of the fee paid on the applicant's 3823
behalf, unless the applicant is applying at the request of a 3824
casino operator or management company, in which case the casino 3825
operator or management company shall reimburse the commission. 3826

The appointing or licensing authority shall review the 3827
results of a criminal records check. When the governor appoints a 3828
commission member, the governor shall forward the results of the 3829
criminal records check to the president of the senate before the 3830
senate advises and consents to the appointment of the commission 3831
member. The appointing or licensing authority shall not appoint or 3832
license or retain the appointment or licensure of a person a 3833
criminal records check discloses has been convicted of or has 3834
pleaded guilty or no contest to a disqualifying offense. A 3835
"disqualifying offense" means any gambling offense, any theft 3836
offense, any offense having an element of fraud or 3837
misrepresentation, any offense having an element of moral 3838
turpitude, and any felony not otherwise included in the foregoing 3839
list, except as otherwise provided in section 3772.10 of the 3840
Revised Code for casino gaming employees. 3841

The report of a criminal records check is not a public record 3842
that is open to public inspection and copying. The commission 3843
shall not make the report available to any person other than the 3844
person who was the subject of the criminal records check; an 3845
appointing or licensing authority; a member, the executive 3846
director, or an employee of the commission; or any court or 3847
agency, including a hearing examiner, in a judicial or 3848
administrative proceeding relating to the person's employment with 3849
the entity requesting the criminal records check in which the 3850
criminal records check is relevant. 3851

Sec. 3772.08. (A) Casino gaming shall be conducted only by 3852

licensed casino operators of the four casino facilities or by a 3853
licensed management company retained by a licensed casino 3854
operator. 3855

(B) A licensed casino operator, licensed management company, 3856
or another person may provide nongaming amenities at the casino 3857
facility. 3858

Sec. 3772.09. (A) No casino operator, management company, 3859
holding company, gaming-related vendor, key employee, or casino 3860
gaming employee shall conduct or participate in conducting casino 3861
gaming without first obtaining a license from the commission. 3862

(B) Before a licensed casino operator may conduct casino 3863
gaming at a casino facility, a licensed casino operator shall 3864
engage a third-party engineering or accounting firm to certify 3865
expenses of its initial investment, as required by section 3772.27 3866
of the Revised Code, and provide documentation to the commission. 3867
The third-party engineering or accounting firm shall be approved 3868
by the commission and shall certify expenses in accordance with 3869
rules adopted by the commission under section 3772.03 of the 3870
Revised Code. The commission may request the department of 3871
administrative services to assist the commission in carrying out 3872
its duties under this section. 3873

Sec. 3772.091. (A) No license issued under this chapter is 3874
transferable. New majority ownership interest or control shall 3875
require a new license. A significant change in or transfer of 3876
control, as determined by the commission, shall require the filing 3877
of an application for a new license and submission of a license 3878
fee with the commission before any such change or transfer of 3879
control is approved. A change in or transfer of control to an 3880
immediate family member is not considered a significant change 3881
under this section. 3882

<u>(B) As used in this section, "control" means either of the</u>	3883
<u>following:</u>	3884
<u>(1) Either:</u>	3885
<u>(a) Holding fifty per cent or more of the outstanding voting</u>	3886
<u>securities of a licensee; or</u>	3887
<u>(b) For an unincorporated licensee, having the right to fifty</u>	3888
<u>per cent or more of the profits of the licensee, or having the</u>	3889
<u>right in the event of dissolution to fifty per cent or more of the</u>	3890
<u>assets of the licensee.</u>	3891
<u>(2) Having the contractual power presently to designate fifty</u>	3892
<u>per cent or more of the directors of a for-profit or</u>	3893
<u>not-for-profit corporation, or in the case of trusts described in</u>	3894
<u>paragraphs (c)(3) to (5) of 16 C.F.R. 801.1, the trustees of such</u>	3895
<u>a trust.</u>	3896
<u>Sec. 3772.10. (A) In determining whether to grant or maintain</u>	3897
<u>a casino operator, management company, holding company, key</u>	3898
<u>employee, casino gaming employee, or gaming-related vendor</u>	3899
<u>license, the Ohio casino control commission shall consider all of</u>	3900
<u>the following, as applicable:</u>	3901
<u>(1) The reputation, experience, and financial integrity of</u>	3902
<u>the applicant, its holding company, if applicable, and any other</u>	3903
<u>person that directly controls the applicant;</u>	3904
<u>(2) The financial ability of the applicant to purchase and</u>	3905
<u>maintain adequate liability and casualty insurance and to provide</u>	3906
<u>an adequate surety bond;</u>	3907
<u>(3) The past and present compliance of the applicant and its</u>	3908
<u>affiliates or affiliated companies with casino-related licensing</u>	3909
<u>requirements in this state or any other jurisdiction, including</u>	3910
<u>whether the applicant has a history of noncompliance with the</u>	3911
<u>casino licensing requirements of any jurisdiction;</u>	3912

(4) If the applicant has been indicted, convicted, pleaded guilty or no contest, or forfeited bail concerning any criminal offense under the laws of any jurisdiction, either felony or misdemeanor, not including traffic violations; 3913
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(5) If the applicant has filed, or had filed against it a proceeding for bankruptcy or has ever been involved in any formal process to adjust, defer, suspend, or otherwise work out the payment of any debt; 3917
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(6) If the applicant has been served with a complaint or other notice filed with any public body regarding a payment of any tax required under federal, state, or local law that has been delinquent for one or more years; 3921
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(7) If the applicant is or has been a defendant in litigation involving its business practices; 3925
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(8) If awarding a license would undermine the public's confidence in the casino gaming industry in this state; 3927
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(9) If the applicant meets other standards for the issuance of a license that the commission adopts by rule, which shall not be arbitrary, capricious, or contradictory to the expressed provisions of this chapter. 3929
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(B) If the commission determines that a person is eligible under this chapter to be issued a license as a casino operator, management company, holding company, key employee, casino gaming employee, or gaming-related vendor, the commission shall issue such license for not more than three years, as determined by commission rule, if all other requirements of this chapter have been satisfied. 3933
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(C) The commission shall not issue a casino operator, management company, holding company, key employee, casino gaming employee, or gaming-related vendor license under this chapter to an applicant if: 3940
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(1) The applicant has been convicted of a disqualifying offense, as defined in section 3772.07 of the Revised Code, unless the person is an applicant for a casino gaming employee license. For an offense other than a gambling offense, an applicant for a casino gaming employee license may prove to the commission, by clear and convincing evidence, that the applicant's activities and employment record for at least ten years after the conviction show that the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that the applicant will commit such an offense again. 3944
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(2) The applicant has submitted an application for license under this chapter that contains false information. 3954
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(3) The applicant is a commission member. 3956

(4) The applicant owns an ownership interest that is unlawful under this chapter, unless waived by the commission. 3957
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(5) The applicant violates specific rules adopted by the commission related to denial of licensure. 3959
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(6) The applicant is a member of or employed by a gaming regulatory body of a governmental unit in this state, another state, or the federal government, or is employed by a governmental unit of this state. This division does not prohibit a casino operator from hiring special duty law enforcement officers if the officers are not specifically involved in gaming-related regulatory functions. 3961
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(7) The commission otherwise determines the applicant is ineligible for the license. 3968
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(D)(1) The commission shall investigate the qualifications of each applicant under this chapter before any license is issued and before any finding with regard to acts or transactions for which commission approval is required is made. The commission shall continue to observe the conduct of all licensees and all other 3970
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persons having a material involvement directly or indirectly with 3975
a casino operator, management company, or holding company to 3976
ensure that licenses are not issued to or held by, or that there 3977
is not any material involvement with a casino operator, management 3978
company, or holding company by, an unqualified, disqualified, or 3979
unsuitable person or a person whose operations are conducted in an 3980
unsuitable manner or in unsuitable or prohibited places or 3981
locations. 3982

(2) The executive director may recommend to the commission 3983
that it deny any application, or limit, condition, or restrict, or 3984
suspend or revoke, any license or finding, or impose any fine upon 3985
any licensee or other person according to this chapter and the 3986
rules adopted thereunder. 3987

(3) A license issued under this chapter is a revocable 3988
privilege. No licensee has a vested right in or under any license 3989
issued under this chapter. The initial determination of the 3990
commission to deny, or to limit, condition, or restrict, a license 3991
may be appealed under section 2505.03 of the Revised Code. 3992

(E)(1) An institutional investor otherwise required to be 3993
found suitable or qualified under this chapter and the rules 3994
adopted under this chapter shall be presumed suitable or qualified 3995
upon submitting documentation sufficient to establish 3996
qualifications as an institutional investor and upon certifying 3997
all of the following: 3998

(a) The institutional investor owns, holds, or controls 3999
publicly traded securities issued by a licensee or holding, 4000
intermediate, or parent company of a licensee or in the ordinary 4001
course of business for investment purposes only. 4002

(b) The institutional investor does not exercise influence 4003
over the affairs of the issuer of such securities nor over any 4004
licensed subsidiary of the issuer of such securities. 4005

(c) The institutional investor does not intend to exercise influence over the affairs of the issuer of such securities, nor over any licensed subsidiary of the issuer of such securities, in the future, and that it agrees to notify the commission in writing within thirty days if such intent changes. 4006
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(2) The exercise of voting privileges with regard to publicly traded securities shall not be deemed to constitute the exercise of influence over the affairs of a licensee. 4011
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(3) The commission shall rescind the presumption of suitability for an institutional investor at any time if the institutional investor exercises or intends to exercise influence or control over the affairs of the licensee. 4014
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(4) This division shall not be construed to preclude the commission from investigating the suitability or qualifications of an institutional investor if the commission becomes aware of facts or information that may result in the institutional investor being found unsuitable or disqualified. 4018
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(F) Information provided on the application shall be used as a basis for a thorough background investigation of each applicant. A false or incomplete application is cause for denial of a license by the commission. All applicants and licensees shall consent to inspections, searches, and seizures and to the disclosure to the commission and its agents of confidential records, including tax records, held by any federal, state, or local agency, credit bureau, or financial institution and to provide handwriting exemplars, photographs, fingerprints, and information as authorized in this chapter and in rules adopted by the commission. 4023
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Sec. 3772.11. (A) A person may apply to the commission for a casino operator, management company, or holding company license to conduct casino gaming at a casino facility as provided in this chapter. The application shall be made under oath on forms 4033
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provided by the commission and shall contain information as 4037
prescribed by rule, including, but not limited to, all of the 4038
following: 4039

(1) The name, business address, business telephone number, 4040
social security number, and, where applicable, the federal tax 4041
identification number of any applicant; 4042

(2) The identity of every person having a greater than five 4043
per cent direct or indirect interest in the applicant casino 4044
facility for which the license is sought; 4045

(3) An identification of any business, including the state of 4046
incorporation or registration if applicable, in which an 4047
applicant, or the spouse or children of an applicant, has an 4048
equity interest of more than five per cent; 4049

(4) The name of any casino operator, management company, 4050
holding company, and gaming-related vendor in which the applicant 4051
has an equity interest of at least five per cent; 4052

(5) If an applicant has ever applied for or has been granted 4053
any gaming license or certificate issued by a licensing authority 4054
in Ohio or any other jurisdiction that has been denied, 4055
restricted, suspended, revoked, or not renewed and a statement 4056
describing the facts and circumstances concerning the application, 4057
denial, restriction, suspension, revocation, or nonrenewal, 4058
including the licensing authority, the date each action was taken, 4059
and the reason for each action; 4060

(6) If an applicant has ever filed or had filed against it a 4061
civil or administrative action or proceeding in bankruptcy, 4062
including the date of filing, the name and location of the court, 4063
the case caption, the docket number, and the disposition; 4064

(7) The name and business telephone number of any attorney 4065
representing an applicant in matters before the commission; 4066

(8) Information concerning the amount, type of tax, the taxing agency, and times involved, if the applicant has filed or been served with a complaint or notice filed with a public body concerning a delinquency in the payment of or a dispute over a filing concerning the payment of a tax required under federal, state, or local law; 4067
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(9) A description of any proposed casino gaming operation and related casino enterprises, including the type of casino facility, location, expected economic benefit to the community, anticipated or actual number of employees, any statement from an applicant regarding compliance with federal and state affirmative action guidelines, projected or actual admissions, projected or actual gross receipts, and scientific market research; 4073
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(10) Financial information in the manner and form prescribed by the commission; 4080
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(11) If an applicant has directly made a political contribution, loan, donation, or other payment of one hundred dollars or more to a statewide office holder, a member of the general assembly, a local government official elected in a jurisdiction where a casino facility is located, or a ballot issue not more than one year before the date the applicant filed the application and all information relating to the contribution, loan, donation, or other payment; 4082
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(12) Any criminal conviction; and 4090

(13) Other information required by the commission under rules adopted by the commission. 4091
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(B) Any holding company or management company, its directors, executive officers, and any shareholder who holds more than five per cent ownership interest of a holding company or management company shall be required to submit the same information as required by an applicant under this section. 4093
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Sec. 3772.111. In determining whether to grant a casino operator license, the commission shall also consider: 4098
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(A) The facilities or proposed facilities for the conduct of casino gaming; 4100
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(B) The prospective total revenue to be collected by the state from the conduct of casino gaming; 4102
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(C) The extent to which the applicant exceeds or meets other standards adopted by the commission. 4104
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Sec. 3772.112. Before a license is issued to a casino operator, the casino operator shall post, and thereafter shall maintain, a surety bond in the amount of one million dollars payable to the state, conditioned on the casino operator complying with Section 6(C) of Article XV, Ohio Constitution, this chapter, and the rules adopted under this chapter. The bond shall be issued by a surety that is licensed to do business in this state, and shall be approved by the commission. The total aggregate liability of the surety on the bond is limited to the amount specified in the bond. The surety shall not cancel the bond unless the surety has given the commission, in the event of nonpayment of premium, ten days' notice of the intention to cancel, and in the event of any other cause, thirty days' notice of the intention to cancel. If the bond is to be canceled, and if the casino operator fails to post and maintain a new surety bond in the specified amount on or before the day of cancellation, the casino operator's license is void. 4106
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Sec. 3772.12. (A) A person may apply for a gaming-related vendor license. All applications shall be made under oath. 4123
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(B) A person who holds a gaming-related vendor's license is authorized to sell or lease, and to contract to sell or lease, 4125
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equipment and supplies to any licensee involved in the ownership 4127
or management of a casino facility. 4128

(C) Gambling supplies and equipment shall not be distributed 4129
unless supplies and equipment conform to standards adopted in 4130
rules adopted by the commission. 4131

Sec. 3772.121. (A) The commission shall issue a 4132
gaming-related vendor's license under this chapter to an applicant 4133
who has: 4134

(1) Applied for the gaming-related vendor's license; 4135

(2) Paid a nonrefundable license fee as described in section 4136
3772.17 of the Revised Code; 4137

(3) Submitted two sets of the applicant's fingerprints; and 4138

(4) Been determined by the commission as eligible for a 4139
gaming-related vendor's license. 4140

(B) A gaming-related vendor shall furnish to the commission a 4141
list of all equipment, devices, and supplies offered for sale or 4142
lease in connection with casino games authorized under this 4143
chapter. 4144

(C) A gaming-related vendor's equipment, devices, or supplies 4145
that are used by a person in an unauthorized casino gaming 4146
operation shall be forfeited to the state. 4147

Sec. 3772.13. (A) No person may be employed as a key employee 4148
unless the person is the holder of a valid key employee license 4149
issued by the commission. 4150

(B) Each applicant shall, before the issuance of any key 4151
employee license, produce information, documentation, and 4152
assurances as are required by this chapter and rules adopted 4153
thereunder. In addition, each applicant shall, in writing, 4154
authorize the examination of all bank accounts and records as may 4155

be deemed necessary by the commission. 4156

(C) To be eligible for a key employee license, the applicant shall be at least twenty-one years of age and shall meet the criteria set forth by rule by the commission. 4157
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(D) Each application for a key employee license shall be on a form prescribed by the commission and shall contain all information required by the commission. The applicant shall set forth in the application if the applicant has been issued prior gambling-related licenses; if the applicant has been licensed in any other state under any other name, and, if so, the name under which the license was issued and the applicant's age at the time the license was issued; any criminal conviction the applicant has had; and if a permit or license issued to the applicant in any other state has been suspended, restricted, or revoked, and, if so, the cause and the duration of each action. 4160
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(E) Each applicant shall submit with each application, on a form provided by the commission, two sets of fingerprints and a photograph. The commission shall charge each applicant an application fee set by the commission to cover all actual costs generated by each licensee and all background checks under this section and section 3772.07 of the Revised Code. 4171
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(F)(1) The casino operator, management company, or holding company by whom a person is employed as a key employee shall terminate the person's employment in any capacity requiring a license under this chapter and shall not in any manner permit the person to exercise a significant influence over the operation of a casino facility if: 4177
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(a) The person does not apply for and receive a key employee license within three months of being issued a provisional license, as established under commission rule. 4183
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(b) The person's application for a key employee license is 4186

denied by the commission. 4187

(c) The person's key employee license is revoked by the 4188
commission. 4189

The commission shall notify the casino operator, management 4190
company, or holding company who employs such a person by certified 4191
mail of any such finding, denial, or revocation. 4192

(2) A casino operator, management company, or holding company 4193
shall not pay to a person whose employment is terminated under 4194
division (F)(1) of this section, any remuneration for any services 4195
performed in any capacity in which the person is required to be 4196
licensed, except for amounts due for services rendered before 4197
notice was received under that division. A contract or other 4198
agreement for personal services or for the conduct of any casino 4199
gaming at a casino facility between a casino operator, management 4200
company, or holding company and a person whose employment is 4201
terminated under division (F)(1) of this section may be terminated 4202
by the casino operator, management company, or holding company 4203
without further liability on the part of the casino operator, 4204
management company, or holding company. Any such contract or other 4205
agreement is deemed to include a term authorizing its termination 4206
without further liability on the part of the casino operator, 4207
management company, or holding company upon receiving notice under 4208
division (F)(1) of this section. That a contract or other 4209
agreement does not expressly include such a term is not a defense 4210
in any action brought to terminate the contract or other 4211
agreement, and is not grounds for relief in any action brought 4212
questioning termination of the contract or other agreement. 4213

(3) A casino operator, management company, or holding 4214
company, without having obtained the prior approval of the 4215
commission, shall not enter into any contract or other agreement 4216
with a person who has been found unsuitable, who has been denied a 4217
license, or whose license has been revoked under division (F)(1) 4218

of this section, or with any business enterprise under the control 4219
of such a person, after the date on which the casino operator, 4220
management company, or holding company receives notice under that 4221
division. 4222

Sec. 3772.131. (A) All casino gaming employees are required 4223
to have a casino gaming employee license. "Casino gaming employee" 4224
means the following and their supervisors: 4225

(1) Individuals involved in operating a casino gaming pit, 4226
including dealers, shills, clerks, hosts, and junket 4227
representatives; 4228

(2) Individuals involved in handling money, including 4229
cashiers, change persons, count teams, and coin wrappers; 4230

(3) Individuals involved in operating casino games; 4231

(4) Individuals involved in operating and maintaining slot 4232
machines, including mechanics, floor persons, and change and 4233
payoff persons; 4234

(5) Individuals involved in security, including guards and 4235
game observers; 4236

(6) Individuals with duties similar to those described in 4237
divisions (A)(1) to (5) of this section. "Casino gaming employee" 4238
does not include an individual whose duties are related solely to 4239
nongaming activities such as entertainment, hotel operation, 4240
maintenance, or preparing or serving food and beverages. 4241

(B) The commission may issue a casino gaming employee license 4242
to an applicant after it has determined that the applicant is 4243
eligible for a license under rules adopted by the commission and 4244
paid any applicable fee. All applications shall be made under 4245
oath. 4246

(C) To be eligible for a casino gaming employee license, an 4247
applicant shall be at least twenty-one years of age. 4248

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

(E) Each applicant shall submit with each application, on a form provided by the commission, two sets of the applicant's fingerprints and a photograph. The commission shall charge each applicant an application fee to cover all actual costs generated by each licensee and all background checks.

Sec. 3772.14. (A) After notice and opportunity for an adjudication conducted under Chapter 119. of the Revised Code, the commission may suspend, revoke, or refuse to issue or renew a license in accordance with rules adopted by the commission.

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

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

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

(3) If the licensee has previously been subject to discipline by the commission concerning the violation of any law, regulation,

<u>or condition of the licensee's license;</u>	4279
<u>(4) If the licensee reasonably relied upon professional</u>	4280
<u>advice from a lawyer, doctor, accountant, or other recognized</u>	4281
<u>professional that was relevant to the action resulting in the</u>	4282
<u>violation;</u>	4283
<u>(5) If the licensee or licensee's employer had a reasonably</u>	4284
<u>constituted and functioning compliance program;</u>	4285
<u>(6) If the imposition of a condition requiring the licensee</u>	4286
<u>to establish and implement a written self-enforcement and</u>	4287
<u>compliance program would assist in ensuring the licensee's future</u>	4288
<u>compliance with all statutes, regulations, and conditions of the</u>	4289
<u>license;</u>	4290
<u>(7) If the licensee realized a pecuniary gain from the</u>	4291
<u>violation;</u>	4292
<u>(8) If the amount of any fine or other penalty imposed would</u>	4293
<u>result in disgorgement of any gains unlawfully realized by the</u>	4294
<u>licensee;</u>	4295
<u>(9) If the violation was caused by an officer or employee of</u>	4296
<u>the licensee, the level of authority of the individual who caused</u>	4297
<u>the violation;</u>	4298
<u>(10) If the individual who caused the violation acted within</u>	4299
<u>the scope of the individual's authority as granted by the</u>	4300
<u>licensee;</u>	4301
<u>(11) The adequacy of any training programs offered by the</u>	4302
<u>licensee or licensee's employer that were relevant to the activity</u>	4303
<u>which resulted in the violation;</u>	4304
<u>(12) If the licensee's action substantially deviated from</u>	4305
<u>industry standards and customs;</u>	4306
<u>(13) The extent to which the licensee cooperated with the</u>	4307
<u>commission during the investigation of the violation;</u>	4308

<u>(14) If the licensee has initiated remedial measures to</u>	4309
<u>prevent similar violations;</u>	4310
<u>(15) The magnitude of penalties imposed on other licensees</u>	4311
<u>for similar violations;</u>	4312
<u>(16) The proportionality of the penalty in relation to the</u>	4313
<u>misconduct;</u>	4314
<u>(17) The extent to which the amount of any fine imposed would</u>	4315
<u>punish the licensee for the conduct and deter future violations;</u>	4316
<u>(18) Any mitigating factors offered by the licensee; and</u>	4317
<u>(19) Any other factors the commission in its sole and</u>	4318
<u>absolute discretion may consider relevant.</u>	4319
<u>Sec. 3772.15. (A) Unless a license issued under this chapter</u>	4320
<u>is suspended, expires, or is revoked, the license shall be renewed</u>	4321
<u>for not more than three years, as determined by commission rule,</u>	4322
<u>after a determination by the commission that the licensee is in</u>	4323
<u>compliance with this chapter and rules authorized by this chapter</u>	4324
<u>and after the licensee pays a fee.</u>	4325
<u>(B) A licensee shall undergo a complete investigation at</u>	4326
<u>least every three years, as determined by commission rule, to</u>	4327
<u>determine that the licensee remains in compliance with this</u>	4328
<u>chapter.</u>	4329
<u>(C) Notwithstanding division (B) of this section, the</u>	4330
<u>commission may investigate a licensee at any time the commission</u>	4331
<u>determines it is necessary to ensure that the licensee remains in</u>	4332
<u>compliance with this section.</u>	4333
<u>(D) The holder of a license shall bear the cost of an</u>	4334
<u>investigation, except key employees and casino gaming employees</u>	4335
<u>who are employed by a casino operator, in which case the casino</u>	4336
<u>operator shall pay the investigation cost.</u>	4337

Sec. 3772.16. (A) Any information concerning the following 4338
submitted, collected, or gathered as part of an application to the 4339
commission for a license under this chapter is confidential and 4340
not subject to disclosure as a record under section 149.43 of the 4341
Revised Code: 4342

(1) A minor child of an applicant; 4343

(2) The social security number of an applicant or the spouse 4344
of an applicant; 4345

(3) The home telephone number of an applicant or the spouse 4346
or children of an applicant; 4347

(4) An applicant's birth certificate; 4348

(5) The driver's license number of an applicant or the 4349
applicant's spouse; 4350

(6) The name or address of a previous spouse of the 4351
applicant; 4352

(7) The date of birth of the spouse of an applicant; 4353

(8) The place of birth of the spouse of an applicant; 4354

(9) The personal financial information and records of an 4355
applicant or the spouse or minor child of an applicant, including 4356
tax returns and information, and records of criminal proceedings; 4357

(10) Any information concerning a victim of domestic 4358
violence, sexual assault, or stalking; 4359

(11) The electronic mail address of the spouse or family 4360
member of the applicant; 4361

(12) An applicant's home addresses; and 4362

(13) Any trade secret. 4363

(B) Notwithstanding any other law, upon written request from 4364
a person, the commission shall provide the following information 4365

to the person except as provided in this chapter: 4366

(1) The information provided under this chapter concerning a licensee or an applicant; 4367
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(2) The amount of the wagering tax and admission tax paid daily to the state by a licensed applicant or an operating agent; 4369
and 4370
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(3) A copy of a letter providing the reasons for the denial of an applicant's license or an operating agent's contract and a copy of a letter providing the reasons for the commission's refusal to allow an applicant to withdraw the applicant's application, but with confidential information redacted if that information is the reason for the denial or refusal to withdraw. 4372
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(C) In addition to information that is confidential under division (A) of this section, medical records, trade secrets and other proprietary information, patents or exclusive licenses, and marketing materials maintained by the commission concerning a person who holds, held, or has applied for a license under this chapter is confidential and not subject to section 149.43 of the Revised Code. 4378
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Sec. 3772.17. (A) The upfront license fee to obtain a license as a casino operator shall be fifty million dollars per casino facility. New casino operator, management company, and holding company license and renewal license fees shall be set by rule, subject to the approval of the joint committee on gaming and wagering. Renewal license fees shall be limited to actual expenses of processing the renewal licensing application. 4385
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(B) The fee to obtain an application for a casino operator, management company, or holding company license shall be one million dollars per application. The application fee shall be deposited into the casino control commission fund. The application 4392
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fee is nonrefundable. 4396

(C) The license fees for a gaming-related vendor shall be set 4397
by rule, subject to the approval of the joint committee on gaming 4398
and wagering. Additionally, the commission may assess an applicant 4399
a reasonable fee in the amount necessary to process a 4400
gaming-related vendor license application. 4401

(D) The license fees for a key employee shall be set by rule, 4402
subject to the approval of the joint committee on gaming and 4403
wagering. Additionally, the commission may assess an applicant a 4404
reasonable fee in the amount necessary to process a key employee 4405
license application. If the license is being sought at the request 4406
of a casino operator, such fees shall be paid by the casino 4407
operator. 4408

(E) The license fees for a casino gaming employee shall be 4409
set by rule, subject to the approval of the joint committee on 4410
gaming and wagering. If the license is being sought at the request 4411
of a casino operator, the fee shall be paid by the casino 4412
operator. 4413

Sec. 3772.18. (A) Each casino operator, management company, 4414
and holding company involved in the application and ownership or 4415
management of a casino facility shall provide to the commission as 4416
applicable: 4417

(1) An annual balance sheet; 4418

(2) An annual income statement; 4419

(3) An annual audited financial statement; 4420

(4) A list of the stockholders or other persons having at 4421
least a five per cent ownership interest in the casino operator, 4422
management company, or holding company and any other information 4423
the commission considers necessary for the effective 4424
administration of this chapter; 4425

<u>(5) The applicant's plan and process to provide employment opportunities;</u>	4426
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<u>(6) Notification of any material changes to the applicant's or licensee's stockholders must be provided to the commission within sixty days of the change. Notification of any refinancing and debt issuance shall be in accordance with rules adopted by the commission under Chapter 119. of the Revised Code; and</u>	4428
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<u>(7) An applicant's compulsive and problem gambling plan. A casino operator shall submit an annual summary of its compulsive and problem gambling plan to the commission. The plan at a minimum shall contain the following elements:</u>	4433
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<u>(a) The goals of the plan and procedures and timetables to implement the plan;</u>	4437
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<u>(b) The identification of the individual who will be responsible for the implementation and maintenance of the plan;</u>	4439
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<u>(c) Policies and procedures including the following:</u>	4441
<u>(i) The commitment of the casino operator to train appropriate employees;</u>	4442
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<u>(ii) The duties and responsibilities of the employees designated to implement or participate in the plan;</u>	4444
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<u>(iii) The responsibility of patrons with respect to responsible gambling;</u>	4446
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<u>(iv) Procedures for providing information to individuals regarding community, public and private treatment services, gamblers anonymous programs, and similar treatment or addiction therapy programs designed to prevent, treat, or monitor compulsive and problem gamblers and to counsel family members;</u>	4448
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<u>(v) The provision of printed material to educate patrons about compulsive and problem gambling and to inform them about treatment services available to compulsive and problem gamblers</u>	4453
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<u>and their families;</u>	4456
<u>(vi) The employee training program;</u>	4457
<u>(vii) Procedures to prevent underage gambling;</u>	4458
<u>(viii) Procedures to prevent intoxicated patrons from gambling;</u>	4459 4460
<u>(ix) The plan for posting signs within the casino facility containing gambling treatment information.</u>	4461 4462
<u>(B) Each casino operator shall submit quarterly updates and an annual report to the commission of its adherence to the plans and goals submitted under division (A) of this section.</u>	4463 4464 4465
<u>(C) Preference shall be given to public and private Ohio-based institutions, including state institutions of higher education as defined in section 3345.011 of the Revised Code, an institution that possesses a certificate of registration issued by the state board of career colleges and schools under Chapter 3332. of the Revised Code, or an institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, to train employees for casino-related employment opportunities.</u>	4466 4467 4468 4469 4470 4471 4472 4473 4474
<u>Sec. 3772.19. A person shall not hold a majority ownership interest in, or be a management company for, more than two casino facilities at any one time. A person shall not hold a majority ownership interest in, or be a management company for, more than two tracks at which horse racing where the pari-mutuel system of wagering is conducted at any one time, of which not more than one shall be a track for thoroughbred horses.</u>	4475 4476 4477 4478 4479 4480 4481
<u>Sec. 3772.20. (A) A maximum of five thousand slot machines may be operated at a casino facility. Each casino operator for each casino facility shall determine the total number of slot</u>	4482 4483 4484

machines in their facility, up to a maximum of five thousand slot machines that may be operated at such casino facility. There shall be no limit on the number of table games allowed at each casino facility. 4485
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(B) Any slot machine game or table game currently authorized in, and any future slot machine or table game authorized in, the states of Indiana, Michigan, Pennsylvania, and West Virginia may be conducted at casino facilities in this state at the discretion of a licensed casino operator but only after being approved, upon application by a licensed casino operator, by the commission under rules the commission has adopted. 4489
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(C) Minimum and maximum wagers on casino gaming shall be determined by casino operators, subject to the commission's approval. 4496
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(D) No slot machine shall be set to pay out less than the theoretical payout percentage, which shall be not less than eighty-five per cent, as specifically approved by the commission. The commission shall adopt rules that define the theoretical payout percentage of a slot machine based on the total value of the jackpots expected to be paid by a slot machine divided by the total value of slot machine wagers expected to be made on that slot machine during the same portion of the game cycle. 4499
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Sec. 3772.21. (A) Casino gaming equipment and supplies customarily used in conducting casino gaming shall be purchased or leased only from gaming-related vendors licensed under this chapter. A management company owning casino gaming devices, supplies, and equipment shall be licensed as a gaming-related vendor under this chapter. 4507
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(B) Annually, a gaming-related vendor shall furnish to the commission a list of all equipment, devices, and supplies offered 4513
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for sale or lease in connection with casino gaming authorized 4515
under this chapter. 4516

(C) A gaming-related vendor shall keep books and records for 4517
the furnishing of equipment, devices, and supplies to gaming 4518
operations separate from books and records of any other business 4519
operated by the gaming-related vendor. A gaming-related vendor 4520
shall file a quarterly return with the commission listing all 4521
sales and leases. A gaming-related vendor shall permanently affix 4522
the gaming-related vendor's name to all of the gaming-related 4523
vendor's equipment, devices, and supplies for casino gaming 4524
operations. 4525

(D) A gaming-related vendor's equipment, devices, or supplies 4526
that are used by a person in an unauthorized casino gaming 4527
operation shall be forfeited to the commission. 4528

Sec. 3772.22. (A) All casino facility operations shall use a 4529
cashless wagering system whereby all wagerers' money is converted 4530
to chips, tokens, tickets, electronic cards, or similar objects at 4531
the request of the wagerer that may only be used for wagering at a 4532
casino facility. Wagering shall not be conducted with money or 4533
other negotiable currency. 4534

(B) Wagers may be received only from a person present at a 4535
casino facility. A wagerer present at a casino facility shall not 4536
place or attempt to place a wager on behalf of an individual who 4537
is not present at the casino facility. 4538

Sec. 3772.23. (A) All tokens, chips, or electronic cards that 4539
are used to make wagers shall be purchased from the casino 4540
operator or management company while at a casino facility that has 4541
been approved by the commission. Chips, tokens, tickets, 4542
electronic cards, or similar objects may be used while at the 4543
casino facility only for the purpose of making wagers on casino 4544

games. 4545

(B) Casino operators and management companies shall not do 4546
any of the following: 4547

(1) Obtain a license to operate a check-cashing business 4548
under sections 1315.01 to 1315.30 of the Revised Code; 4549

(2) Obtain a license to provide loans under sections 1321.01 4550
to 1321.19 of the Revised Code; 4551

(3) Obtain a license to provide loans under sections 1321.35 4552
to 1321.48 of the Revised Code. 4553

(C) A casino operator or management company may issue a line 4554
of credit to a casino patron of five hundred dollars per month. 4555
The casino operator or management company may charge interest in 4556
an amount permitted a licensee in the business of making loans 4557
under sections 1321.01 to 1321.19 of the Revised Code. 4558

Sec. 3772.24. (A) An employee of a casino facility who is 4559
between eighteen and twenty-one years of age may be present in the 4560
area of a casino facility where casino gaming is being conducted, 4561
as long as the employee's duties are related solely to nongaming 4562
activities. An individual who is less than twenty-one years of age 4563
may enter a designated area of a casino facility where casino 4564
gaming is being conducted, as established by the commission, to 4565
pass to another area where casino gaming is not being conducted. 4566
An individual who is less than twenty-one years of age shall not 4567
make a wager under this chapter. 4568

(B) Casino operators shall notify the commission of the days 4569
and hours during which casino gaming will be conducted. 4570

Sec. 3772.25. The following are not subject to, or limited 4571
by, the requirements of this chapter or Section 6(C) of Article 4572
XV, Ohio Constitution: 4573

(A) Charitable gaming authorized by Chapter 2915. of the 4574
Revised Code; 4575

(B) Charitable bingo authorized by Section 6 of Article XV, 4576
Ohio Constitution, and as authorized by Chapter 2915. of the 4577
Revised Code; 4578

(C) Lottery games as authorized by Section 6 of Article XV, 4579
Ohio Constitution; and 4580

(D) Pari-mutuel wagering authorized by Chapter 3769. of the 4581
Revised Code. 4582

Sec. 3772.26. (A) Each of the four casino facilities shall be 4583
subject to all applicable state laws and local ordinances related 4584
to health and building codes, or any related requirements and 4585
provisions. Notwithstanding the foregoing, no local zoning, land 4586
use laws, subdivision regulations or similar provisions shall 4587
prohibit the development or operation of the four casino 4588
facilities, or casino gaming set forth herein, provided that no 4589
casino facility shall be located in a district zoned exclusively 4590
residential as of January 1, 2009. 4591

(B) No municipal corporation or other political subdivision 4592
in which a casino facility is located shall be required to provide 4593
or improve infrastructure, appropriate property, or otherwise take 4594
any affirmative legislative or administrative action to assist 4595
development or operation of a casino facility, regardless of the 4596
source of funding but if such action is essential to the 4597
development or operation of a casino facility, the municipal 4598
corporation or other political subdivision may charge the casino 4599
operator for any costs incurred for such action. 4600

Sec. 3772.27. Each initial licensed casino operator of each 4601
of the four casino facilities shall make an initial investment of 4602
at least two hundred fifty million dollars for the development of 4603

each casino facility for a total minimum investment of one billion 4604
dollars statewide. If a casino operator has made an initial 4605
investment of at least one hundred fifty million dollars at the 4606
time a license is issued under this chapter, the casino operator 4607
shall spend the remainder of the total required initial investment 4608
within two years after issuance of that license. 4609

Sec. 3772.28. (A) A casino operator shall not enter into a 4610
debt transaction without the approval of the commission. The 4611
casino operator shall submit, in writing, a request for approval 4612
of a debt transaction that contains at least the following 4613
information: 4614

(1) The names and addresses of all parties to the debt 4615
transaction; 4616

(2) The amount of the funds involved; 4617

(3) The type of debt transaction; 4618

(4) The source of the funds to be obtained; 4619

(5) All sources of collateral; 4620

(6) The purpose of the debt transaction; 4621

(7) The terms of the debt transaction; 4622

(8) Any other information deemed necessary by the commission. 4623

(B) As used in this section, "debt transaction" means a 4624
transaction by a casino operator concerning a casino facility 4625
totaling five hundred thousand dollars or more in which a casino 4626
operator acquires debt, including bank financing, private debt 4627
offerings, and any other transaction that results in the 4628
encumbrance of assets. 4629

Sec. 3772.29. All shipments of gaming supplies, devices, and 4630
equipment, including slot machines, into this state are exempt 4631

from section (2) of "An Act to Prohibit Transportation of Gambling 4632
Devices in Interstate and Foreign Commerce," 64 Stat. 1134, 15 4633
U.S.C. 1171-1177. 4634

Sec. 3772.30. (A) If any person violates this chapter or a 4635
rule adopted thereunder, the attorney general has a cause of 4636
action to restrain the violation. Such an action is a civil 4637
action, governed by the Rules of Civil Procedure. Upon receiving a 4638
request from the commission or the executive director, the 4639
attorney general shall commence and prosecute such an action to 4640
completion. The court shall give priority to such an action over 4641
all other civil actions. Such an action does not preclude an 4642
administrative or criminal proceeding on the same facts. 4643

(B) The attorney general may enter into agreements with any 4644
state or local law enforcement agency to carry out its duties. 4645

(C) A sheriff, chief of police, and prosecuting attorney 4646
shall furnish to the commission, on prescribed forms, all 4647
information obtained during the course of any substantial 4648
investigation or prosecution if it appears a violation of this 4649
chapter has occurred. Any such information is not a public record, 4650
as defined in section 149.43 of the Revised Code, until such 4651
information would otherwise become a public record. 4652

Sec. 3772.31. (A) The commission, by and through the 4653
executive director of the commission, may enter into contracts 4654
necessary to ensure the proper operation and reporting of all 4655
casino gaming authorized under this chapter. The commission may 4656
determine it to be necessary and adopt rules to authorize a 4657
central system. The system shall be operated by or under the 4658
commission's control. If the commission determines that a central 4659
system is necessary and adopts rules authorizing a central system, 4660
casino operators shall be responsible for the costs of the central 4661

system as it relates to casino facilities. 4662

(B) The commission shall certify independent testing laboratories to scientifically test and technically evaluate all slot machines, mechanical, electromechanical, or electronic table games, slot accounting systems, and other electronic gaming equipment for compliance with this chapter. The certified independent testing laboratories shall be accredited by a national accreditation body. The commission shall certify an independent testing laboratory if it is competent and qualified to scientifically test and evaluate electronic gaming equipment for compliance with this chapter and to otherwise perform the functions assigned to an independent testing laboratory under this chapter. An independent testing laboratory shall not be owned or controlled by, or have any interest in, a gaming-related vendor of electronic gaming equipment. The commission shall prepare a list of certified independent testing laboratories from which independent testing laboratories shall be chosen for all purposes under this chapter. 4663
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Sec. 3772.32. (A)(1) If a person's winnings at a casino facility are an amount for which reporting to the internal revenue service of the amount is required by 26 U.S.C. 6041 or a subsequent, analogous section of the Internal Revenue Code, the casino operator shall deduct and withhold Ohio income tax from the person's winnings at a rate of six per cent of the amount won. A person's amount of winnings shall be determined each time the person exchanges amounts won in tokens, chips, casino credit, or other pre-paid representations of value for cash or a cash equivalent. The casino operator shall issue, to a person from whose winnings an amount has been deducted and withheld, a receipt for the amount deducted and withheld, and also shall obtain from the person additional information that will be necessary for the 4680
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casino operator to prepare the returns required by this section. 4693

(2) If a person's winnings at a casino facility require 4694
reporting to the internal revenue service under division (A)(1) of 4695
this section, the casino operator also shall require the person to 4696
state in writing, under penalty of falsification, whether the 4697
person is in default under a support order. 4698

(B) Amounts deducted and withheld by a casino operator are 4699
held in trust for the benefit of the state. 4700

(1) On the tenth banking day of each month, the casino 4701
operator shall file a return electronically with the tax 4702
commissioner identifying the persons from whose winnings amounts 4703
were deducted and withheld and the amount of each such deduction 4704
and withholding during the preceding calendar month. With the 4705
return, the casino operator shall remit electronically to the tax 4706
commissioner all the amounts deducted and withheld during the 4707
preceding month. And together with the return and remittance, the 4708
casino operator shall transmit electronically to the tax 4709
commissioner a copy of each receipt issued, and a copy of each 4710
statement made, under divisions (A)(1) and (2) of this section. 4711

(2) Annually on or before the thirty-first day of January, a 4712
casino operator shall file an annual return electronically with 4713
the tax commissioner indicating the total amount deducted and 4714
withheld during the preceding calendar year. The casino operator 4715
shall remit electronically with the annual return any amount that 4716
was deducted and withheld and that was not previously remitted. If 4717
the identity of a person and the amount deducted and withheld with 4718
respect to that person were omitted on a monthly return, that 4719
information shall be indicated on the annual return. And if a copy 4720
of the receipt and statement pertaining to a person was not 4721
previously transmitted to the tax commissioner, the receipt and 4722
statement shall be transmitted to the tax commissioner 4723

electronically with the annual return. 4724

(3)(a) A casino operator who fails to file a return and remit 4725
the amounts deducted and withheld is personally liable for the 4726
amount deducted and withheld and not remitted. The tax 4727
commissioner may impose a penalty up to one thousand dollars if a 4728
return is filed late, if amounts deducted and withheld are 4729
remitted late, if a return is not filed, or if amounts deducted 4730
and withheld are not remitted. Interest accrues on past due 4731
amounts deducted and withheld at the rate prescribed in section 4732
5703.47 of the Revised Code. The tax commissioner may collect past 4733
due amounts deducted and withheld and penalties and interest 4734
thereon by assessment under section 5747.13 of the Revised Code as 4735
if they were income taxes collected by an employer. 4736

(b) If a casino operator sells the casino facility or 4737
otherwise quits the casino business, the amounts deducted and 4738
withheld and any penalties and interest thereon are immediately 4739
due and payable. The successor shall withhold an amount of the 4740
purchase money that is sufficient to cover the amounts deducted 4741
and withheld and penalties and interest thereon until the 4742
predecessor casino operator produces either a receipt from the tax 4743
commissioner showing that the amounts deducted and withheld and 4744
penalties and interest thereon have been paid or a certificate 4745
from the tax commissioner indicating that no amounts deducted and 4746
withheld or penalties and interest thereon are due. If the 4747
successor fails to withhold purchase money, the successor is 4748
personally liable for payment of the amounts deducted and withheld 4749
and penalties and interest thereon, up to the amount of the 4750
purchase money. 4751

(C) Annually, on or before the thirty-first day of January, a 4752
casino operator shall issue an information return to each person 4753
with respect to whom an amount has been deducted and withheld 4754
during the preceding calendar year. The information return shall 4755

show the total amount deducted from the person's winnings by the 4756
casino operator during the preceding calendar year. 4757

(D) The failure of a casino operator to deduct and withhold 4758
the required amount from a person's winnings does not relieve the 4759
person from liability for the tax imposed by section 5747.02 of 4760
the Revised Code with respect to those winnings. And compliance 4761
with this section does not relieve a casino operator or a person 4762
who has winnings at a casino facility from compliance with 4763
relevant provisions of federal tax laws. 4764

(E) The tax commissioner shall prescribe the form of the 4765
receipt, statement, and returns required by this section. 4766

Sec. 3772.33. (A) As used in this section, "conservator" 4767
means a person appointed by a court of common pleas as a fiduciary 4768
to temporarily manage and control a casino facility. 4769

(B) The commission shall adopt rules under Chapter 119. of 4770
the Revised Code relating to the administration of a casino 4771
facility by a conservator. 4772

(C) The commission may petition the court of common pleas of 4773
the county in which the casino facility is located for appointment 4774
by the court of a conservator to manage and control the casino 4775
facility if any of the following occurs: 4776

(1) The commission revokes the casino operator's license. 4777

(2) The commission declines to renew the casino operator's 4778
license. 4779

(3) The commission suspends a casino operator's license for 4780
more than one hundred twenty days. 4781

(4) A proposed buyer is denied a casino operator's license, 4782
and the licensed casino operator is unable or unwilling to retain 4783
ownership or control of the casino facility. 4784

(5) A licensed casino operator agrees in writing to 4785
relinquish control of a casino facility to a conservator. 4786

(6) A natural disaster or bankruptcy halts operations at a 4787
casino facility. 4788

This division does not apply if the casino facility for which 4789
a casino license has been issued has not been in operation and 4790
open to the public. 4791

(D)(1) The petition shall contain the names of two or more 4792
persons who the commission believes are suitable and qualified to 4793
manage and control the casino facility and are available for 4794
appointment as a conservator. 4795

(2) Upon receipt of the petition, the court shall appoint as 4796
conservator of the casino facility a person who is named in the 4797
petition. The court shall immediately notify the commission of the 4798
appointment. Upon receipt of notice from the court, the commission 4799
shall immediately notify the casino operator and the conservator. 4800

(3) The court that appoints the conservator shall set 4801
reasonable compensation, out of the revenue of the casino 4802
facility, for the services, costs, and expenses of the conservator 4803
and for any other persons whom the conservator may engage to aid 4804
the conservator in performing the conservator's duties. 4805

(E) A conservator is subject to Chapter 3772. of the Revised 4806
Code and any rules adopted under that chapter as if the 4807
conservator were a licensed casino operator. 4808

(F) A conservator shall be deemed to be a licensed casino 4809
operator and may perform all acts that the conservator is required 4810
or permitted to perform without approval or other action. 4811

(G) The conservator shall take immediately into possession 4812
all property of the casino facility, including its money, 4813
accounts, books, records, and evidences of debts owed to the 4814

casino operator, and shall continue the business of the casino 4815
facility. 4816

(H) A conservator shall file with the commission reports on 4817
the administration of the casino facility in such form and at such 4818
intervals as the commission may prescribe. 4819

(I)(1) If at any time the court finds that a conservator is 4820
not qualified or available to serve as conservator, the court 4821
shall request from the commission the names of two or more persons 4822
who the commission believes are suitable and qualified to manage 4823
and control a casino facility and are available to serve as a 4824
conservator. 4825

(2) The commission may, at any time after the appointment of 4826
a conservator, petition the court for the removal of the 4827
conservator and the appointment of a new conservator or for the 4828
termination of the conservator. 4829

(J) A conservator shall, before assuming the conservator's 4830
duties, execute and file a bond for the faithful performance of 4831
the conservator's duties payable to the commission with such 4832
surety or sureties and in such form as the commission approves and 4833
in such amount as the commission prescribes. 4834

(K) The commission shall require that the former casino 4835
operator purchase liability insurance, in an amount determined by 4836
the commission, to protect a conservator from liability for any 4837
acts or omissions of the conservator occurring during the duration 4838
of the conservatorship that are reasonably related to, and within 4839
the scope of, the conservator's duties. 4840

(L)(1) The former licensed casino operator has one hundred 4841
eighty days after the date on which the conservator is appointed 4842
to sell the casino facility to another person who satisfies the 4843
requirements of this chapter for obtaining a casino operator's 4844
license and is approved by the commission. 4845

(2) If the person is unable to sell the casino facility in the time required by division (L)(1) of this section, the conservator may take any action necessary to sell the casino facility to another person who satisfies the requirements of this chapter for obtaining a casino operator's license and is approved by the commission. 4846
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(M) The commission shall direct the court of common pleas to discontinue a conservatorship when any of the following occurs: 4852
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(1) The commission determines that the cause for which the conservatorship was instituted no longer exists. 4854
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(2) The former casino operator or the conservator has with the approval of the commission, consummated the sale, assignment, conveyance, or other disposition of the casino facility. 4856
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(N) Upon the discontinuation of the conservatorship and with the approval of the commission, the conservator shall take steps as may be necessary to affect an orderly transfer of the property of the former casino operator. 4859
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Sec. 3772.34. The provisions of law contained in this chapter, and their applications, constitute a unity. If any provision of law contained in this chapter, or if any application of any provision of law contained in this chapter, is held invalid, then all other provisions of law contained in this chapter and their applications also are invalid. 4863
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Sec. 3772.99. (A) The commission shall levy and collect penalties for noncriminal violations of this chapter. Moneys collected from such penalty levies shall be credited to the general revenue fund. 4869
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(B) If a licensed casino operator, management company, holding company, gaming-related vendor, or key employee violates this chapter or engages in a fraudulent act, the commission may 4873
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<u>suspend or revoke the license and may do either or both of the</u>	4876
<u>following:</u>	4877
<u>(1) Suspend, revoke, or restrict the casino gaming operations</u>	4878
<u>of a casino operator;</u>	4879
<u>(2) Require the removal of a management company, key</u>	4880
<u>employee, or discontinuance of services from a gaming-related</u>	4881
<u>vendor.</u>	4882
<u>(C) The commission shall impose civil penalties against a</u>	4883
<u>person who violates this chapter under the schedule of penalties</u>	4884
<u>adopted by the commission and approved by the joint committee on</u>	4885
<u>gaming and wagering.</u>	4886
<u>(D) A person who knowingly or intentionally does any of the</u>	4887
<u>following commits a misdemeanor of the first degree on the first</u>	4888
<u>offense and a felony of the fifth degree for a subsequent offense:</u>	4889
<u>(1) Makes a false statement on an application submitted under</u>	4890
<u>this chapter;</u>	4891
<u>(2) Permits a person less than twenty-one years of age to</u>	4892
<u>make a wager;</u>	4893
<u>(3) Aids, induces, or causes a person less than twenty-one</u>	4894
<u>years of age who is not an employee of the casino gaming operation</u>	4895
<u>to enter or attempt to enter a casino facility;</u>	4896
<u>(4) Enters or attempts to enter a casino facility while under</u>	4897
<u>twenty-one years of age, unless the person enters a designated</u>	4898
<u>area as described in section 3772.24 of the Revised Code;</u>	4899
<u>(5) Wagers or accepts a wager at a location other than a</u>	4900
<u>casino facility;</u>	4901
<u>(6) Is a casino operator or employee and participates in</u>	4902
<u>casino gaming other than as part of operation or employment.</u>	4903
<u>(E) A person who knowingly or intentionally does any of the</u>	4904
<u>following commits a felony of the fifth degree on a first offense</u>	4905

and a felony of the fourth degree for a subsequent offense. If the 4906
person is a licensee under this chapter, the commission shall 4907
revoke the person's license after the first offense. 4908

(1) Offers, promises, or gives anything of value or benefit 4909
to a person who is connected with the casino operator, management 4910
company, holding company, or gaming-related vendor, including 4911
their officers and employees, under an agreement to influence or 4912
with the intent to influence the actions of the person to whom the 4913
offer, promise, or gift was made in order to affect or attempt to 4914
affect the outcome of a casino game or an official action of a 4915
commission member; 4916

(2) Solicits, accepts, or receives a promise of anything of 4917
value or benefit while the person is connected with a casino, 4918
including an officer or employee of a casino operator, management 4919
company, or gaming-related vendor, under an agreement to influence 4920
or with the intent to influence the actions of the person to 4921
affect or attempt to affect the outcome of a casino game or an 4922
official action of a commission member; 4923

(3) Uses or possesses with the intent to use a device to 4924
assist in projecting the outcome of the game, keeping track of the 4925
cards played, analyzing the probability of the occurrence of an 4926
event relating to the casino game, or analyzing the strategy for 4927
playing or betting to be used in the game, except as permitted by 4928
the commission; 4929

(4) Cheats at a casino game; 4930

(5) Manufactures, sells, or distributes any cards, chips, 4931
dice, game, or device that is intended to be used to violate this 4932
chapter; 4933

(6) Alters or misrepresents the outcome of a casino game on 4934
which wagers have been made after the outcome is made sure but 4935
before the outcome is revealed to the players; 4936

(7) Places a wager on the outcome of a casino game after 4937
acquiring knowledge that is not available to all players and 4938
concerns the outcome of the casino game that is the subject of the 4939
wager; 4940

(8) Aids a person in acquiring the knowledge described in 4941
division (E)(7) of this section for the purpose of placing a wager 4942
contingent on the outcome of a casino game; 4943

(9) Claims, collects, takes, or attempts to claim, collect, 4944
or take money or anything of value in or from a casino game with 4945
the intent to defraud or without having made a wager contingent on 4946
winning a casino game; 4947

(10) Claims, collects, or takes an amount of money or thing 4948
of value of greater value than the amount won in a casino game; 4949

(11) Uses or possesses counterfeit chips or tokens in or for 4950
use in a casino game; 4951

(12) Possesses a key or device designed for opening, 4952
entering, or affecting the operation of a casino game, drop box, 4953
or an electronic or a mechanical device connected with the casino 4954
game or removing coins, tokens, chips, or other contents of a 4955
casino game. This division does not apply to a casino operator, 4956
management company, or gaming-related vendor or their agents and 4957
employees in the course of agency or employment. 4958

(13) Possesses materials used to manufacture a slug or device 4959
intended to be used in a manner that violates this chapter; 4960

(14) Operates a casino gaming operation in which wagering is 4961
conducted or is to be conducted in a manner other than the manner 4962
required under this chapter. 4963

(F) The possession of more than one of the devices described 4964
in division (E)(11), (12), or (13) of this section creates a 4965
rebuttable presumption that the possessor intended to use the 4966

devices for cheating. 4967

(G) A person who is convicted of a felony described in this 4968
chapter may be barred for life from entering a casino facility by 4969
the commission. 4970

Sec. 3793.02. (A) The department of alcohol and drug 4971
addiction services shall promote, assist in developing, and 4972
coordinate or conduct programs of education and research for the 4973
prevention of alcohol and drug addiction, the prevention of 4974
gambling addiction, the treatment, including intervention, of 4975
alcoholics and persons who abuse drugs of abuse, including 4976
anabolic steroids, and the treatment, including intervention, of 4977
persons with gambling addictions. Programs established by the 4978
department shall include abstinence-based prevention and treatment 4979
programs. 4980

(B) In addition to the other duties prescribed by this 4981
chapter, the department shall do all of the following: 4982

(1) Promote and coordinate efforts in the provision of 4983
alcohol and drug addiction services and of gambling addiction 4984
services by other state agencies, as defined in section 1.60 of 4985
the Revised Code; courts; hospitals; clinics; physicians in 4986
private practice; public health authorities; boards of alcohol, 4987
drug addiction, and mental health services; alcohol and drug 4988
addiction programs; law enforcement agencies; gambling addiction 4989
programs; and related groups; 4990

(2) Provide for education and training in prevention, 4991
diagnosis, treatment, and control of alcohol and drug addiction 4992
and of gambling addiction for medical students, physicians, 4993
nurses, social workers, professional counselors, psychologists, 4994
and other persons who provide alcohol and drug addiction services 4995
or gambling addiction services; 4996

(3) Provide training and consultation for persons who 4997
supervise alcohol and drug addiction programs and facilities or 4998
gambling addiction programs and facilities; 4999

(4) Develop measures for evaluating the effectiveness of 5000
alcohol and drug addiction services, including services that use 5001
methadone treatment, and of gambling addiction services, and for 5002
increasing the accountability of alcohol and drug addiction 5003
programs and of gambling addiction programs; 5004

(5) Provide to each court of record, and biennially update, a 5005
list of the treatment and education programs within that court's 5006
jurisdiction that the court may require an offender, sentenced 5007
pursuant to section 4511.19 of the Revised Code, to attend; 5008

(6) Make the warning sign described in sections 3313.752, 5009
3345.41, and 3707.50 of the Revised Code available on the 5010
department's internet web site; 5011

(7) Provide a program of gambling addiction services on 5012
behalf of the state lottery commission, pursuant to an agreement 5013
entered into with the director of the commission under division 5014
(K) of section 3770.02 of the Revised Code, and provide a program 5015
of gambling and addiction services on behalf of the Ohio casino 5016
control commission, under an agreement entered into with the 5017
executive director of the commission under section 3772.062 of the 5018
Revised Code. Under Section 6(C)(3) of Article XV, Ohio 5019
Constitution, the department may enter into agreements with county 5020
alcohol, drug addiction, and mental health service districts, and 5021
nonprofit organizations to provide gambling and addiction services 5022
and substance abuse services, and with state institutions of 5023
higher education to perform related research. 5024

(C) The department may accept and administer grants from 5025
public or private sources for carrying out any of the duties 5026
enumerated in this section. 5027

(D) Pursuant to Chapter 119. of the Revised Code, the 5028
department shall adopt a rule defining the term "intervention" as 5029
it is used in this chapter in connection with alcohol and drug 5030
addiction services and in connection with gambling addiction 5031
services. The department may adopt other rules as necessary to 5032
implement the requirements of this chapter. 5033

Sec. 3793.032. The director of alcohol and drug addiction 5034
services shall administer the problem casino gambling and 5035
addictions fund. The director shall use the money in the fund to 5036
support programs that provide gambling addiction services, alcohol 5037
and drug addiction programs that provide alcohol and drug 5038
addiction services, other programs that relate to gambling 5039
addiction and substance abuse, and research that relates to 5040
gambling addiction and substance abuse. 5041

The director shall prepare an annual report describing the 5042
use of the fund for these purposes. The director shall submit the 5043
report to the Ohio casino control commission, the speaker of the 5044
house of representatives, the president of the senate, the 5045
governor, and the permanent joint committee on gaming and 5046
wagering. 5047

Sec. 4301.355. (A) If a petition is filed under section 5048
4301.333 of the Revised Code for the submission of the question or 5049
questions set forth in this section, it shall be held in the 5050
precinct as ordered by the board of elections under that section. 5051
The expense of holding the election shall be charged to the 5052
municipal corporation or township of which the precinct is a part. 5053

(B) At the election, one or more of the following questions, 5054
as designated in a valid petition, shall be submitted to the 5055
electors of the precinct: 5056

(1) "Shall the sale of (insert beer, wine and 5057

mixed beverages, or spirituous liquor) be permitted by 5058
(insert name of applicant, liquor permit holder, or liquor agency 5059
store, including trade or fictitious name under which applicant 5060
for, or holder of, liquor permit or liquor agency store either 5061
intends to do, or does, business at the particular location), an 5062
..... (insert "applicant for" or "holder of" or "operator 5063
of") a (insert class name of liquor permit or permits 5064
followed by the words "liquor permit(s)" or, if appropriate, the 5065
words "liquor agency store for the State of Ohio"), who is engaged 5066
in the business of (insert general nature of the 5067
business in which applicant or liquor permit holder is engaged or 5068
will be engaged in at the particular location, as described in the 5069
petition) at (insert address of the particular location 5070
within the precinct as set forth in the petition) in this 5071
precinct?" 5072

(2) "Shall the sale of (insert beer, wine and 5073
mixed beverages, or spirituous liquor) be permitted for sale on 5074
Sunday between the hours of (insert "ten a.m. and 5075
midnight" or " eleven a.m. and midnight") by (insert 5076
name of applicant, liquor permit holder, or liquor agency store, 5077
including trade or fictitious name under which applicant for, or 5078
holder of, liquor permit or liquor agency store either intends to 5079
do, or does, business at the particular location), an 5080
(insert "applicant for a D-6 liquor permit," "holder of a D-6 5081
liquor permit," "applicant for or holder of an A-1-A, A-2, A-3a, 5082
C-1, C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c, D-5e, D-5f, 5083
D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 5084
liquor permit," if only the approval of beer sales is sought, or 5085
"liquor agency store") who is engaged in the business of 5086
..... (insert general nature of the business in which 5087
applicant or liquor permit holder is engaged or will be engaged in 5088
at the particular location, as described in the petition) at 5089
..... (insert address of the particular location within the 5090

precinct) in this precinct?" 5091

(C) The board of elections shall furnish printed ballots at 5092
the election as provided under section 3505.06 of the Revised 5093
Code, except that a separate ballot shall be used for the election 5094
under this section. The question set forth in this section shall 5095
be printed on each ballot, and the board shall insert in the 5096
question appropriate words to complete it. Votes shall be cast as 5097
provided under section 3505.06 of the Revised Code. 5098

Sec. 4301.62. (A) As used in this section: 5099

(1) "Chauffeured limousine" means a vehicle registered under 5100
section 4503.24 of the Revised Code. 5101

(2) "Street," "highway," and "motor vehicle" have the same 5102
meanings as in section 4511.01 of the Revised Code. 5103

(B) No person shall have in the person's possession an opened 5104
container of beer or intoxicating liquor in any of the following 5105
circumstances: 5106

(1) In a state liquor store; 5107

(2) Except as provided in division (C) of this section, on 5108
the premises of the holder of any permit issued by the division of 5109
liquor control; 5110

(3) In any other public place; 5111

(4) Except as provided in division (D) or (E) of this 5112
section, while operating or being a passenger in or on a motor 5113
vehicle on any street, highway, or other public or private 5114
property open to the public for purposes of vehicular travel or 5115
parking; 5116

(5) Except as provided in division (D) or (E) of this 5117
section, while being in or on a stationary motor vehicle on any 5118
street, highway, or other public or private property open to the 5119

public for purposes of vehicular travel or parking. 5120

(C)(1) A person may have in the person's possession an opened 5121
container of any of the following: 5122

(a) Beer or intoxicating liquor that has been lawfully 5123
purchased for consumption on the premises where bought from the 5124
holder of an A-1-A, A-2, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, 5125
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 5126
D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, or 5127
F-8 permit; 5128

(b) Beer, wine, or mixed beverages served for consumption on 5129
the premises by the holder of an F-3 permit or wine served for 5130
consumption on the premises by the holder of an F-4 or F-6 permit; 5131

(c) Beer or intoxicating liquor consumed on the premises of a 5132
convention facility as provided in section 4303.201 of the Revised 5133
Code; 5134

(d) Beer or intoxicating liquor to be consumed during 5135
tastings and samplings approved by rule of the liquor control 5136
commission. 5137

(2) A person may have in the person's possession on an F 5138
liquor permit premises an opened container of beer or intoxicating 5139
liquor that was not purchased from the holder of the F permit if 5140
the premises for which the F permit is issued is a music festival 5141
and the holder of the F permit grants permission for that 5142
possession on the premises during the period for which the F 5143
permit is issued. As used in this division, "music festival" means 5144
a series of outdoor live musical performances, extending for a 5145
period of at least three consecutive days and located on an area 5146
of land of at least forty acres. 5147

(3)(a) A person may have in the person's possession on a D-2 5148
liquor permit premises an opened or unopened container of wine 5149
that was not purchased from the holder of the D-2 permit if the 5150

premises for which the D-2 permit is issued is an outdoor 5151
performing arts center, the person is attending an orchestral 5152
performance, and the holder of the D-2 permit grants permission 5153
for the possession and consumption of wine in certain 5154
predesignated areas of the premises during the period for which 5155
the D-2 permit is issued. 5156

(b) As used in division (C)(3)(a) of this section: 5157

(i) "Orchestral performance" means a concert comprised of a 5158
group of not fewer than forty musicians playing various musical 5159
instruments. 5160

(ii) "Outdoor performing arts center" means an outdoor 5161
performing arts center that is located on not less than eight 5162
hundred acres of land and that is open for performances from the 5163
first day of April to the last day of October of each year. 5164

(4) A person may have in the person's possession an opened or 5165
unopened container of beer or intoxicating liquor at an outdoor 5166
location at which the person is attending an orchestral 5167
performance as defined in division (C)(3)(b)(i) of this section if 5168
the person with supervision and control over the performance 5169
grants permission for the possession and consumption of beer or 5170
intoxicating liquor in certain predesignated areas of that outdoor 5171
location. 5172

(D) This section does not apply to a person who pays all or a 5173
portion of the fee imposed for the use of a chauffeured limousine 5174
pursuant to a prearranged contract, or the guest of the person, 5175
when all of the following apply: 5176

(1) The person or guest is a passenger in the limousine. 5177

(2) The person or guest is located in the limousine, but is 5178
not occupying a seat in the front compartment of the limousine 5179
where the operator of the limousine is located. 5180

(3) The limousine is located on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.

(E) An opened bottle of wine that was purchased from the holder of a permit that authorizes the sale of wine for consumption on the premises where sold is not an opened container for the purposes of this section if both of the following apply:

(1) The opened bottle of wine is securely resealed by the permit holder or an employee of the permit holder before the bottle is removed from the premises. The bottle shall be secured in such a manner that it is visibly apparent if the bottle has been subsequently opened or tampered with.

(2) The opened bottle of wine that is resealed in accordance with division (E)(1) of this section is stored in the trunk of a motor vehicle or, if the motor vehicle does not have a trunk, behind the last upright seat or in an area not normally occupied by the driver or passengers and not easily accessible by the driver.

Sec. 4303.181. (A) Permit D-5a may be issued either to the owner or operator of a hotel or motel that is required to be licensed under section 3731.03 of the Revised Code, that contains at least fifty rooms for registered transient guests or is owned by a state institution of higher education as defined in section 3345.011 of the Revised Code or a private college or university, and that qualifies under the other requirements of this section, or to the owner or operator of a restaurant specified under this section, to sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and to registered guests in their rooms, which may be sold by means of a controlled access alcohol and beverage cabinet in accordance with division (B) of

section 4301.21 of the Revised Code; and to sell the same products 5212
in the same manner and amounts not for consumption on the premises 5213
as may be sold by holders of D-1 and D-2 permits. The premises of 5214
the hotel or motel shall include a retail food establishment or a 5215
food service operation licensed pursuant to Chapter 3717. of the 5216
Revised Code that operates as a restaurant for purposes of this 5217
chapter and that is affiliated with the hotel or motel and within 5218
or contiguous to the hotel or motel, and that serves food within 5219
the hotel or motel, but the principal business of the owner or 5220
operator of the hotel or motel shall be the accommodation of 5221
transient guests. In addition to the privileges authorized in this 5222
division, the holder of a D-5a permit may exercise the same 5223
privileges as the holder of a D-5 permit. 5224

The owner or operator of a hotel, motel, or restaurant who 5225
qualified for and held a D-5a permit on August 4, 1976, may, if 5226
the owner or operator held another permit before holding a D-5a 5227
permit, either retain a D-5a permit or apply for the permit 5228
formerly held, and the division of liquor control shall issue the 5229
permit for which the owner or operator applies and formerly held, 5230
notwithstanding any quota. 5231

A D-5a permit shall not be transferred to another location. 5232
No quota restriction shall be placed on the number of D-5a permits 5233
that may be issued. 5234

The fee for this permit is two thousand three hundred 5235
forty-four dollars. 5236

(B) Permit D-5b may be issued to the owner, operator, tenant, 5237
lessee, or occupant of an enclosed shopping center to sell beer 5238
and intoxicating liquor at retail, only by the individual drink in 5239
glass and from the container, for consumption on the premises 5240
where sold; and to sell the same products in the same manner and 5241
amount not for consumption on the premises as may be sold by 5242
holders of D-1 and D-2 permits. In addition to the privileges 5243

authorized in this division, the holder of a D-5b permit may 5244
exercise the same privileges as a holder of a D-5 permit. 5245

A D-5b permit shall not be transferred to another location. 5246

One D-5b permit may be issued at an enclosed shopping center 5247
containing at least two hundred twenty-five thousand, but less 5248
than four hundred thousand, square feet of floor area. 5249

Two D-5b permits may be issued at an enclosed shopping center 5250
containing at least four hundred thousand square feet of floor 5251
area. No more than one D-5b permit may be issued at an enclosed 5252
shopping center for each additional two hundred thousand square 5253
feet of floor area or fraction of that floor area, up to a maximum 5254
of five D-5b permits for each enclosed shopping center. The number 5255
of D-5b permits that may be issued at an enclosed shopping center 5256
shall be determined by subtracting the number of D-3 and D-5 5257
permits issued in the enclosed shopping center from the number of 5258
D-5b permits that otherwise may be issued at the enclosed shopping 5259
center under the formulas provided in this division. Except as 5260
provided in this section, no quota shall be placed on the number 5261
of D-5b permits that may be issued. Notwithstanding any quota 5262
provided in this section, the holder of any D-5b permit first 5263
issued in accordance with this section is entitled to its renewal 5264
in accordance with section 4303.271 of the Revised Code. 5265

The holder of a D-5b permit issued before April 4, 1984, 5266
whose tenancy is terminated for a cause other than nonpayment of 5267
rent, may return the D-5b permit to the division of liquor 5268
control, and the division shall cancel that permit. Upon 5269
cancellation of that permit and upon the permit holder's payment 5270
of taxes, contributions, premiums, assessments, and other debts 5271
owing or accrued upon the date of cancellation to this state and 5272
its political subdivisions and a filing with the division of a 5273
certification of that payment, the division shall issue to that 5274
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 5275

that person requests. The division shall issue the D-5 permit, or 5276
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 5277
D-3, or D-5 permits currently issued in the municipal corporation 5278
or in the unincorporated area of the township where that person's 5279
proposed premises is located equals or exceeds the maximum number 5280
of such permits that can be issued in that municipal corporation 5281
or in the unincorporated area of that township under the 5282
population quota restrictions contained in section 4303.29 of the 5283
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 5284
be transferred to another location. If a D-5b permit is canceled 5285
under the provisions of this paragraph, the number of D-5b permits 5286
that may be issued at the enclosed shopping center for which the 5287
D-5b permit was issued, under the formula provided in this 5288
division, shall be reduced by one if the enclosed shopping center 5289
was entitled to more than one D-5b permit under the formula. 5290

The fee for this permit is two thousand three hundred 5291
forty-four dollars. 5292

(C) Permit D-5c may be issued to the owner or operator of a 5293
retail food establishment or a food service operation licensed 5294
pursuant to Chapter 3717. of the Revised Code that operates as a 5295
restaurant for purposes of this chapter and that qualifies under 5296
the other requirements of this section to sell beer and any 5297
intoxicating liquor at retail, only by the individual drink in 5298
glass and from the container, for consumption on the premises 5299
where sold, and to sell the same products in the same manner and 5300
amounts not for consumption on the premises as may be sold by 5301
holders of D-1 and D-2 permits. In addition to the privileges 5302
authorized in this division, the holder of a D-5c permit may 5303
exercise the same privileges as the holder of a D-5 permit. 5304

To qualify for a D-5c permit, the owner or operator of a 5305
retail food establishment or a food service operation licensed 5306
pursuant to Chapter 3717. of the Revised Code that operates as a 5307

restaurant for purposes of this chapter, shall have operated the 5308
restaurant at the proposed premises for not less than twenty-four 5309
consecutive months immediately preceding the filing of the 5310
application for the permit, have applied for a D-5 permit no later 5311
than December 31, 1988, and appear on the division's quota waiting 5312
list for not less than six months immediately preceding the filing 5313
of the application for the permit. In addition to these 5314
requirements, the proposed D-5c permit premises shall be located 5315
within a municipal corporation and further within an election 5316
precinct that, at the time of the application, has no more than 5317
twenty-five per cent of its total land area zoned for residential 5318
use. 5319

A D-5c permit shall not be transferred to another location. 5320
No quota restriction shall be placed on the number of such permits 5321
that may be issued. 5322

Any person who has held a D-5c permit for at least two years 5323
may apply for a D-5 permit, and the division of liquor control 5324
shall issue the D-5 permit notwithstanding the quota restrictions 5325
contained in section 4303.29 of the Revised Code or in any rule of 5326
the liquor control commission. 5327

The fee for this permit is one thousand five hundred 5328
sixty-three dollars. 5329

(D) Permit D-5d may be issued to the owner or operator of a 5330
retail food establishment or a food service operation licensed 5331
pursuant to Chapter 3717. of the Revised Code that operates as a 5332
restaurant for purposes of this chapter and that is located at an 5333
airport operated by a board of county commissioners pursuant to 5334
section 307.20 of the Revised Code, at an airport operated by a 5335
port authority pursuant to Chapter 4582. of the Revised Code, or 5336
at an airport operated by a regional airport authority pursuant to 5337
Chapter 308. of the Revised Code. The holder of a D-5d permit may 5338
sell beer and any intoxicating liquor at retail, only by the 5339

individual drink in glass and from the container, for consumption 5340
on the premises where sold, and may sell the same products in the 5341
same manner and amounts not for consumption on the premises where 5342
sold as may be sold by the holders of D-1 and D-2 permits. In 5343
addition to the privileges authorized in this division, the holder 5344
of a D-5d permit may exercise the same privileges as the holder of 5345
a D-5 permit. 5346

A D-5d permit shall not be transferred to another location. 5347
No quota restrictions shall be placed on the number of such 5348
permits that may be issued. 5349

The fee for this permit is two thousand three hundred 5350
forty-four dollars. 5351

(E) Permit D-5e may be issued to any nonprofit organization 5352
that is exempt from federal income taxation under the "Internal 5353
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 5354
amended, or that is a charitable organization under any chapter of 5355
the Revised Code, and that owns or operates a riverboat that meets 5356
all of the following: 5357

(1) Is permanently docked at one location; 5358

(2) Is designated as an historical riverboat by the Ohio 5359
historical society; 5360

(3) Contains not less than fifteen hundred square feet of 5361
floor area; 5362

(4) Has a seating capacity of fifty or more persons. 5363

The holder of a D-5e permit may sell beer and intoxicating 5364
liquor at retail, only by the individual drink in glass and from 5365
the container, for consumption on the premises where sold. 5366

A D-5e permit shall not be transferred to another location. 5367
No quota restriction shall be placed on the number of such permits 5368
that may be issued. The population quota restrictions contained in 5369

section 4303.29 of the Revised Code or in any rule of the liquor control commission shall not apply to this division, and the division shall issue a D-5e permit to any applicant who meets the requirements of this division. However, the division shall not issue a D-5e permit if the permit premises or proposed permit premises are located within an area in which the sale of spirituous liquor by the glass is prohibited.

The fee for this permit is one thousand two hundred nineteen dollars.

(F) Permit D-5f may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that meets all of the following:

(1) It contains not less than twenty-five hundred square feet of floor area.

(2) It is located on or in, or immediately adjacent to, the shoreline of, a navigable river.

(3) It provides docking space for twenty-five boats.

(4) It provides entertainment and recreation, provided that not less than fifty per cent of the business on the permit premises shall be preparing and serving meals for a consideration.

In addition, each application for a D-5f permit shall be accompanied by a certification from the local legislative authority that the issuance of the D-5f permit is not inconsistent with that political subdivision's comprehensive development plan or other economic development goal as officially established by the local legislative authority.

The holder of a D-5f permit may sell beer and intoxicating liquor at retail, only by the individual drink in glass and from

the container, for consumption on the premises where sold. 5400

A D-5f permit shall not be transferred to another location. 5401

The division of liquor control shall not issue a D-5f permit 5402
if the permit premises or proposed permit premises are located 5403
within an area in which the sale of spirituous liquor by the glass 5404
is prohibited. 5405

A fee for this permit is two thousand three hundred 5406
forty-four dollars. 5407

As used in this division, "navigable river" means a river 5408
that is also a "navigable water" as defined in the "Federal Power 5409
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 5410

(G) Permit D-5g may be issued to a nonprofit corporation that 5411
is either the owner or the operator of a national professional 5412
sports museum. The holder of a D-5g permit may sell beer and any 5413
intoxicating liquor at retail, only by the individual drink in 5414
glass and from the container, for consumption on the premises 5415
where sold. The holder of a D-5g permit shall sell no beer or 5416
intoxicating liquor for consumption on the premises where sold 5417
after one a.m. A D-5g permit shall not be transferred to another 5418
location. No quota restrictions shall be placed on the number of 5419
D-5g permits that may be issued. The fee for this permit is one 5420
thousand eight hundred seventy-five dollars. 5421

(H)(1) Permit D-5h may be issued to any nonprofit 5422
organization that is exempt from federal income taxation under the 5423
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 5424
501(c)(3), as amended, that owns or operates any of the following: 5425

(a) A fine arts museum, provided that the nonprofit 5426
organization has no less than one thousand five hundred bona fide 5427
members possessing full membership privileges; 5428

(b) A community arts center. As used in division (H)(1)(b) of 5429

this section, "community arts center" means a facility that 5430
provides arts programming to the community in more than one arts 5431
discipline, including, but not limited to, exhibits of works of 5432
art and performances by both professional and amateur artists. 5433

(c) A community theater, provided that the nonprofit 5434
organization is a member of the Ohio arts council and the American 5435
community theatre association and has been in existence for not 5436
less than ten years. As used in division (H)(1)(c) of this 5437
section, "community theater" means a facility that contains at 5438
least one hundred fifty seats and has a primary function of 5439
presenting live theatrical performances and providing recreational 5440
opportunities to the community. 5441

(2) The holder of a D-5h permit may sell beer and any 5442
intoxicating liquor at retail, only by the individual drink in 5443
glass and from the container, for consumption on the premises 5444
where sold. The holder of a D-5h permit shall sell no beer or 5445
intoxicating liquor for consumption on the premises where sold 5446
after one a.m. A D-5h permit shall not be transferred to another 5447
location. No quota restrictions shall be placed on the number of 5448
D-5h permits that may be issued. 5449

(3) The fee for a D-5h permit is one thousand eight hundred 5450
seventy-five dollars. 5451

(I) Permit D-5i may be issued to the owner or operator of a 5452
retail food establishment or a food service operation licensed 5453
under Chapter 3717. of the Revised Code that operates as a 5454
restaurant for purposes of this chapter and that meets all of the 5455
following requirements: 5456

(1) It is located in a municipal corporation or a township 5457
with a population of one hundred thousand or less. 5458

(2) It has inside seating capacity for at least one hundred 5459
forty persons. 5460

(3) It has at least four thousand square feet of floor area. 5461

(4) It offers full-course meals, appetizers, and sandwiches. 5462

(5) Its receipts from beer and liquor sales, excluding wine 5463
sales, do not exceed twenty-five per cent of its total gross 5464
receipts. 5465

(6) It has at least one of the following characteristics: 5466

(a) The value of its real and personal property exceeds seven 5467
hundred twenty-five thousand dollars. 5468

(b) It is located on property that is owned or leased by the 5469
state or a state agency, and its owner or operator has 5470
authorization from the state or the state agency that owns or 5471
leases the property to obtain a D-5i permit. 5472

The holder of a D-5i permit may sell beer and any 5473
intoxicating liquor at retail, only by the individual drink in 5474
glass and from the container, for consumption on the premises 5475
where sold, and may sell the same products in the same manner and 5476
amounts not for consumption on the premises where sold as may be 5477
sold by the holders of D-1 and D-2 permits. The holder of a D-5i 5478
permit shall sell no beer or intoxicating liquor for consumption 5479
on the premises where sold after two-thirty a.m. In addition to 5480
the privileges authorized in this division, the holder of a D-5i 5481
permit may exercise the same privileges as the holder of a D-5 5482
permit. 5483

A D-5i permit shall not be transferred to another location. 5484
The division of liquor control shall not renew a D-5i permit 5485
unless the retail food establishment or food service operation for 5486
which it is issued continues to meet the requirements described in 5487
divisions (I)(1) to (6) of this section. No quota restrictions 5488
shall be placed on the number of D-5i permits that may be issued. 5489
The fee for the D-5i permit is two thousand three hundred 5490
forty-four dollars. 5491

(J)(1) Permit D-5j may be issued to the owner or the operator 5492
of a retail food establishment or a food service operation 5493
licensed under Chapter 3717. of the Revised Code to sell beer and 5494
intoxicating liquor at retail, only by the individual drink in 5495
glass and from the container, for consumption on the premises 5496
where sold and to sell beer and intoxicating liquor in the same 5497
manner and amounts not for consumption on the premises where sold 5498
as may be sold by the holders of D-1 and D-2 permits. The holder 5499
of a D-5j permit may exercise the same privileges, and shall 5500
observe the same hours of operation, as the holder of a D-5 5501
permit. 5502

(2) The D-5j permit shall be issued only within a community 5503
entertainment district that is designated under section 4301.80 of 5504
the Revised Code and that meets one of the following 5505
qualifications: 5506

(a) It is located in a municipal corporation with a 5507
population of at least one hundred thousand. 5508

(b) It is located in a municipal corporation with a 5509
population of at least twenty thousand, and either of the 5510
following applies: 5511

(i) It contains an amusement park the rides of which have 5512
been issued a permit by the department of agriculture under 5513
Chapter 1711. of the Revised Code. 5514

(ii) Not less than fifty million dollars will be invested in 5515
development and construction in the community entertainment 5516
district's area located in the municipal corporation. 5517

(c) It is located in a township with a population of at least 5518
forty thousand. 5519

(d) It is located in a municipal corporation with a 5520
population of at least ten thousand, and not less than seventy 5521
million dollars will be invested in development and construction 5522

in the community entertainment district's area located in the 5523
municipal corporation. 5524

(e) It is located in a municipal corporation with a 5525
population of at least five thousand, and not less than one 5526
hundred million dollars will be invested in development and 5527
construction in the community entertainment district's area 5528
located in the municipal corporation. 5529

(3) The location of a D-5j permit may be transferred only 5530
within the geographic boundaries of the community entertainment 5531
district in which it was issued and shall not be transferred 5532
outside the geographic boundaries of that district. 5533

(4) Not more than one D-5j permit shall be issued within each 5534
community entertainment district for each five acres of land 5535
located within the district. Not more than fifteen D-5j permits 5536
may be issued within a single community entertainment district. 5537
Except as otherwise provided in division (J)(4) of this section, 5538
no quota restrictions shall be placed upon the number of D-5j 5539
permits that may be issued. 5540

(5) The fee for a D-5j permit is two thousand three hundred 5541
forty-four dollars. 5542

(K)(1) Permit D-5k may be issued to any nonprofit 5543
organization that is exempt from federal income taxation under the 5544
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 5545
501(c)(3), as amended, that is the owner or operator of a 5546
botanical garden recognized by the American association of 5547
botanical gardens and arboreta, and that has not less than 5548
twenty-five hundred bona fide members. 5549

(2) The holder of a D-5k permit may sell beer and any 5550
intoxicating liquor at retail, only by the individual drink in 5551
glass and from the container, on the premises where sold. 5552

(3) The holder of a D-5k permit shall sell no beer or 5553

intoxicating liquor for consumption on the premises where sold 5554
after one a.m. 5555

(4) A D-5k permit shall not be transferred to another 5556
location. 5557

(5) No quota restrictions shall be placed on the number of 5558
D-5k permits that may be issued. 5559

(6) The fee for the D-5k permit is one thousand eight hundred 5560
seventy-five dollars. 5561

(L)(1) Permit D-5l may be issued to the owner or the operator 5562
of a retail food establishment or a food service operation 5563
licensed under Chapter 3717. of the Revised Code to sell beer and 5564
intoxicating liquor at retail, only by the individual drink in 5565
glass and from the container, for consumption on the premises 5566
where sold and to sell beer and intoxicating liquor in the same 5567
manner and amounts not for consumption on the premises where sold 5568
as may be sold by the holders of D-1 and D-2 permits. The holder 5569
of a D-5l permit may exercise the same privileges, and shall 5570
observe the same hours of operation, as the holder of a D-5 5571
permit. 5572

(2) The D-5l permit shall be issued only to a premises that 5573
has gross annual receipts from the sale of food and meals that 5574
constitute not less than seventy-five per cent of its total gross 5575
annual receipts, that is located within a revitalization district 5576
that is designated under section 4301.81 of the Revised Code, that 5577
is located in a municipal corporation or township in which the 5578
number of D-5 permits issued equals or exceeds the number of those 5579
permits that may be issued in that municipal corporation or 5580
township under section 4303.29 of the Revised Code, and that is 5581
located in a county with a population of one hundred twenty-five 5582
thousand or less according to the population estimates certified 5583
by the department of development for calendar year 2006. 5584

(3) The location of a D-5l permit may be transferred only 5585
within the geographic boundaries of the revitalization district in 5586
which it was issued and shall not be transferred outside the 5587
geographic boundaries of that district. 5588

(4) Not more than one D-5l permit shall be issued within each 5589
revitalization district for each five acres of land located within 5590
the district. Not more than five D-5l permits may be issued within 5591
a single revitalization district. Except as otherwise provided in 5592
division (L)(4) of this section, no quota restrictions shall be 5593
placed upon the number of D-5l permits that may be issued. 5594

(5) The fee for a D-5l permit is two thousand three hundred 5595
forty-four dollars. 5596

(M) Permit D-5m may be issued to either the owner or the 5597
operator of a retail food establishment or food service operation 5598
licensed under Chapter 3717. of the Revised Code that operates as 5599
a restaurant for purposes of this chapter and that is located in, 5600
or affiliated with, a center for the preservation of wild animals 5601
as defined in section 4301.404 of the Revised Code, to sell beer 5602
and any intoxicating liquor at retail, only by the glass and from 5603
the container, for consumption on the premises where sold, and to 5604
sell the same products in the same manner and amounts not for 5605
consumption on the premises as may be sold by the holders of D-1 5606
and D-2 permits. In addition to the privileges authorized by this 5607
division, the holder of a D-5m permit may exercise the same 5608
privileges as the holder of a D-5 permit. 5609

A D-5m permit shall not be transferred to another location. 5610
No quota restrictions shall be placed on the number of D-5m 5611
permits that may be issued. The fee for a permit D-5m is two 5612
thousand three hundred forty-four dollars. 5613

(N) Permit D-5n shall be issued to either a casino operator 5614
or a casino management company licensed under Chapter 3772. of the 5615

Revised Code that operates a casino facility under that chapter, 5616
to sell beer, intoxicating liquor, wine, and mixed beverages at 5617
retail, only by the glass and from the container, for consumption 5618
on the premises where sold, and to sell the same products in the 5619
same manner and amounts not for consumption on the premises as may 5620
be sold by the holders of D-1 and D-2 permits. In addition to the 5621
privileges authorized by this division, the holder of a D-5n 5622
permit may exercise the same privileges as the holder of a D-5 5623
permit. A D-5n permit shall not be transferred to another 5624
location. Only one D-5n permit may be issued per casino facility 5625
and not more than four D-5n permits shall be issued in this state. 5626
The fee for a permit D-5n shall be twenty-five thousand dollars. 5627
The holder of a D-5n permit may conduct casino gaming on the 5628
permit premises notwithstanding any provision of the Revised Code 5629
or Administrative Code. 5630

(O) Permit D-5o may be issued to the owner or operator of a 5631
retail food establishment or a food service operation licensed 5632
under Chapter 3717. of the Revised Code that operates as a 5633
restaurant for purposes of this chapter and that is located within 5634
a casino facility for which a D-5n permit has been issued. The 5635
holder of a D-5o permit may sell beer and any intoxicating liquor 5636
at retail, only by the glass and from the container, for 5637
consumption on the premises where sold, and may sell the same 5638
products in the same manner and amounts not for consumption on the 5639
premises where sold as may be sold by the holders of D-1 and D-2 5640
permits. In addition to the privileges authorized by this 5641
division, the holder of a D-5o permit may exercise the same 5642
privileges as the holder of a D-5 permit. A D-5o permit shall not 5643
be transferred to another location. No quota restrictions shall be 5644
placed on the number of such permits that may be issued. The fee 5645
for this permit is two thousand three hundred forty-four dollars. 5646

Sec. 4303.182. (A) Except as otherwise provided in divisions 5647

(B) to (J) of this section, permit D-6 shall be issued to the holder of an A-1-A, A-2, A-3a, C-2, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit to allow sale under that permit as follows:

(1) Between the hours of ten a.m. and midnight on Sunday if sale during those hours has been approved under question (C)(1), (2), or (3) of section 4301.351 or 4301.354 of the Revised Code, under question (B)(2) of section 4301.355 of the Revised Code, or under section 4301.356 of the Revised Code and has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code, under the restrictions of that authorization;

(2) Between the hours of eleven a.m. and midnight on Sunday, if sale during those hours has been approved on or after the effective date of this amendment under question (B)(1), (2), or (3) of section 4301.351 or 4301.354 of the Revised Code, under question (B)(2) of section 4301.355 of the Revised Code, or under section 4301.356 of the Revised Code and has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code, under the restrictions of that authorization;

(3) Between the hours of eleven a.m. and midnight on Sunday if sale between the hours of one p.m. and midnight was approved before the effective date of this amendment under question (B)(1), (2), or (3) of section 4301.351 or 4301.354 of the Revised Code, under question (B)(2) of section 4301.355 of the Revised Code, or under section 4301.356 of the Revised Code and has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code, under the other restrictions of that authorization.

(B) Permit D-6 shall be issued to the holder of any permit, including a D-4a and D-5d permit, authorizing the sale of intoxicating liquor issued for a premises located at any publicly owned airport, as defined in section 4563.01 of the Revised Code,

at which commercial airline companies operate regularly scheduled 5680
flights on which space is available to the public, to allow sale 5681
under such permit between the hours of ten a.m. and midnight on 5682
Sunday, whether or not that sale has been authorized under section 5683
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 5684

(C) Permit D-6 shall be issued to the holder of a D-5a 5685
permit, and to the holder of a D-3 or D-3a permit who is the owner 5686
or operator of a hotel or motel that is required to be licensed 5687
under section 3731.03 of the Revised Code, that contains at least 5688
fifty rooms for registered transient guests, and that has on its 5689
premises a retail food establishment or a food service operation 5690
licensed pursuant to Chapter 3717. of the Revised Code that 5691
operates as a restaurant for purposes of this chapter and is 5692
affiliated with the hotel or motel and within or contiguous to the 5693
hotel or motel and serving food within the hotel or motel, to 5694
allow sale under such permit between the hours of ten a.m. and 5695
midnight on Sunday, whether or not that sale has been authorized 5696
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 5697
Revised Code. 5698

(D) The holder of a D-6 permit that is issued to a sports 5699
facility may make sales under the permit between the hours of 5700
eleven a.m. and midnight on any Sunday on which a professional 5701
baseball, basketball, football, hockey, or soccer game is being 5702
played at the sports facility. As used in this division, "sports 5703
facility" means a stadium or arena that has a seating capacity of 5704
at least four thousand and that is owned or leased by a 5705
professional baseball, basketball, football, hockey, or soccer 5706
franchise or any combination of those franchises. 5707

(E) Permit D-6 shall be issued to the holder of any permit 5708
that authorizes the sale of beer or intoxicating liquor and that 5709
is issued to a premises located in or at the Ohio historical 5710
society area or the state fairgrounds, as defined in division (B) 5711

of section 4301.40 of the Revised Code, to allow sale under that 5712
permit between the hours of ten a.m. and midnight on Sunday, 5713
whether or not that sale has been authorized under section 5714
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 5715

(F) Permit D-6 shall be issued to the holder of any permit 5716
that authorizes the sale of intoxicating liquor and that is issued 5717
to an outdoor performing arts center to allow sale under that 5718
permit between the hours of one p.m. and midnight on Sunday, 5719
whether or not that sale has been authorized under section 5720
4301.361 of the Revised Code. A D-6 permit issued under this 5721
division is subject to the results of an election, held after the 5722
D-6 permit is issued, on question (B)(4) as set forth in section 5723
4301.351 of the Revised Code. Following the end of the period 5724
during which an election may be held on question (B)(4) as set 5725
forth in that section, sales of intoxicating liquor may continue 5726
at an outdoor performing arts center under a D-6 permit issued 5727
under this division, unless an election on that question is held 5728
during the permitted period and a majority of the voters voting in 5729
the precinct on that question vote "no." 5730

As used in this division, "outdoor performing arts center" 5731
means an outdoor performing arts center that is located on not 5732
less than eight hundred acres of land and that is open for 5733
performances from the first day of April to the last day of 5734
October of each year. 5735

(G) Permit D-6 shall be issued to the holder of any permit 5736
that authorizes the sale of beer or intoxicating liquor and that 5737
is issued to a golf course owned by the state, a conservancy 5738
district, a park district created under Chapter 1545. of the 5739
Revised Code, or another political subdivision to allow sale under 5740
that permit between the hours of ten a.m. and midnight on Sunday, 5741
whether or not that sale has been authorized under section 5742
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 5743

(H) Permit D-6 shall be issued to the holder of a D-5g permit 5744
to allow sale under that permit between the hours of ten a.m. and 5745
midnight on Sunday, whether or not that sale has been authorized 5746
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 5747
Revised Code. 5748

(I) Permit D-6 shall be issued to the holder of any D permit 5749
for a premises that is licensed under Chapter 3717. of the Revised 5750
Code and that is located at a ski area to allow sale under the D-6 5751
permit between the hours of ten a.m. and midnight on Sunday, 5752
whether or not that sale has been authorized under section 5753
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 5754

As used in this division, "ski area" means a ski area as 5755
defined in section 4169.01 of the Revised Code, provided that the 5756
passenger tramway operator at that area is registered under 5757
section 4169.03 of the Revised Code. 5758

(J) Permit D-6 shall be issued to the holder of any permit 5759
that is described in division (A) of this section for a permit 5760
premises that is located in a community entertainment district, as 5761
defined in section 4301.80 of the Revised Code, that was approved 5762
by the legislative authority of a municipal corporation under that 5763
section between October 1 and October 15, 2005, to allow sale 5764
under the permit between the hours of ten a.m. and midnight on 5765
Sunday, whether or not that sale has been authorized under section 5766
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 5767

(K) If the restriction to licensed premises where the sale of 5768
food and other goods and services exceeds fifty per cent of the 5769
total gross receipts of the permit holder at the premises is 5770
applicable, the division of liquor control may accept an affidavit 5771
from the permit holder to show the proportion of the permit 5772
holder's gross receipts derived from the sale of food and other 5773
goods and services. If the liquor control commission determines 5774
that affidavit to have been false, it shall revoke the permits of 5775

the permit holder at the premises concerned. 5776

(L) The fee for the D-6 permit is five hundred dollars when 5777
it is issued to the holder of an A-1-A, A-2, A-3a, D-2, D-3, D-3a, 5778
D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, 5779
D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit. The fee 5780
for the D-6 permit is four hundred dollars when it is issued to 5781
the holder of a C-2 permit. 5782

Sec. 4303.30. The rights granted by any D-2, D-3, D-3a, D-4, 5783
D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, 5784
D-5l, D-5m, D-5n, D-5o, or D-6 permit shall be exercised at not 5785
more than two fixed counters, commonly known as bars, in rooms or 5786
places on the permit premises, where beer, mixed beverages, wine, 5787
or spirituous liquor is sold to the public for consumption on the 5788
premises. For each additional fixed counter on the permit premises 5789
where those beverages are sold for consumption on the premises, 5790
the permit holder shall obtain a duplicate D-2, D-3, D-3a, D-4, 5791
D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, 5792
D-5l, D-5m, D-5n, D-5o, or D-6 permit. 5793

The holder of any D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, 5794
D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, 5795
or D-6 permit shall be granted, upon application to the division 5796
of liquor control, a duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, 5797
D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, 5798
D-5n, D-5o, or D-6 permit for each additional fixed counter on the 5799
permit premises at which beer, mixed beverages, wine, or 5800
spirituous liquor is sold for consumption on the premises, 5801
provided the application is made in the same manner as an 5802
application for an original permit. The application shall be 5803
identified with DUPLICATE printed on the permit application form 5804
furnished by the department, in boldface type. The application 5805
shall identify by name, or otherwise amply describe, the room or 5806

place on the premises where the duplicate permit is to be 5807
operative. Each duplicate permit shall be issued only to the same 5808
individual, firm, or corporation as that of the original permit 5809
and shall be an exact duplicate in size and word content as the 5810
original permit, except that it shall show on it the name or other 5811
ample identification of the room, or place, for which it is issued 5812
and shall have DUPLICATE printed on it in boldface type. A 5813
duplicate permit shall bear the same number as the original 5814
permit. The fee for a duplicate permit is: D-1, one hundred 5815
dollars; D-2, one hundred dollars; D-3, four hundred dollars; 5816
D-3a, four hundred dollars; D-4, two hundred dollars; D-5, one 5817
thousand dollars; D-5a, one thousand dollars; D-5b, one thousand 5818
dollars; D-5c, four hundred dollars; D-5e, six hundred fifty 5819
dollars; D-5f, one thousand dollars; D-5o, one thousand dollars; 5820
D-6, one hundred dollars when issued to the holder of a D-4a 5821
permit; and in all other cases one hundred dollars or an amount 5822
which is twenty per cent of the fees payable for the A-1-A, D-2, 5823
D-3, D-3a, D-4, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, 5824
D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, and D-6 permits issued to the 5825
same premises, whichever is higher. Application for a duplicate 5826
permit may be filed any time during the life of an original 5827
permit. The fee for each duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, 5828
D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, 5829
D-5n, D-5o, or D-6 permit shall be paid in accordance with section 5830
4303.24 of the Revised Code. 5831

Sec. 5502.03. (A) There is hereby created in the department 5832
of public safety a division of homeland security. 5833

(B) The division shall do all of the following: 5834

(1) Coordinate all homeland security activities of all state 5835
agencies and be the liaison between state agencies and local 5836
entities for the purposes of communicating homeland security 5837

funding and policy initiatives; 5838

(2) Collect, analyze, maintain, and disseminate information 5839
to support local, state, and federal law enforcement agencies, 5840
other government agencies, and private organizations in detecting, 5841
deterring, preventing, preparing for, responding to, and 5842
recovering from threatened or actual terrorist events. This 5843
information is not a public record pursuant to section 149.43 of 5844
the Revised Code. 5845

(3) Coordinate efforts of state and local governments and 5846
private organizations to enhance the security and protection of 5847
critical infrastructure, including casino facilities, and key 5848
assets in this state; 5849

(4) Develop and coordinate policies, protocols, and 5850
strategies that may be used to prevent, detect, prepare for, 5851
respond to, and recover from terrorist acts or threats; 5852

(5) Develop, update, and coordinate the implementation of an 5853
Ohio homeland security strategic plan that will guide state and 5854
local governments in the achievement of homeland security in this 5855
state. 5856

(C) The director of public safety shall appoint an executive 5857
director, who shall be head of the division of homeland security 5858
and who regularly shall advise the governor and the director on 5859
matters pertaining to homeland security. The executive director 5860
shall serve at the pleasure of the director of public safety. To 5861
carry out the duties assigned under this section, the executive 5862
director, subject to the direction and control of the director of 5863
public safety, may appoint and maintain necessary staff and may 5864
enter into any necessary agreements. 5865

(D) Except as otherwise provided by law, nothing in this 5866
section shall be construed to give the director of public safety 5867
or the executive director of the division of homeland security 5868

authority over the incident management structure or 5869
responsibilities of local emergency response personnel. 5870

(E) There is hereby created in the state treasury the 5871
homeland security fund. The fund shall consist of sixty cents of 5872
each fee collected under sections 4501.34, 4503.26, 4506.08, and 5873
4509.05 of the Revised Code as specified in those sections, plus 5874
on and after October 1, 2009, sixty cents of each fee collected 5875
under sections 4505.14 and 4519.63 of the Revised Code as 5876
specified in those sections. The fund shall be used to pay the 5877
expenses of administering the law relative to the powers and 5878
duties of the executive director of the division of homeland 5879
security, except that the director of budget and management may 5880
transfer excess money from the homeland security fund to the state 5881
highway safety fund if the director of public safety determines 5882
that the amount of money in the homeland security fund exceeds the 5883
amount required to cover such costs incurred by the division of 5884
homeland security and requests the director of budget and 5885
management to make the transfer. 5886

Sec. 5703.052. (A) There is hereby created in the state 5887
treasury the tax refund fund, from which refunds shall be paid for 5888
taxes illegally or erroneously assessed or collected, or for any 5889
other reason overpaid, that are levied by Chapter 4301., 4305., 5890
5728., 5729., 5733., 5735., 5739., 5741., 5743., 5747., 5748., 5891
5749., ~~or 5751.~~ or 5753. and sections 3737.71, 3905.35, 3905.36, 5892
4303.33, 5707.03, 5725.18, 5727.28, 5727.38, 5727.81, and 5727.811 5893
of the Revised Code. Refunds for fees illegally or erroneously 5894
assessed or collected, or for any other reason overpaid, that are 5895
levied by sections 3734.90 to 3734.9014 of the Revised Code also 5896
shall be paid from the fund. Refunds for amounts illegally or 5897
erroneously assessed or collected by the tax commissioner, or for 5898
any other reason overpaid, that are due under section 1509.50 of 5899
the Revised Code shall be paid from the fund. However, refunds for 5900

taxes levied under section 5739.101 of the Revised Code shall not 5901
be paid from the tax refund fund, but shall be paid as provided in 5902
section 5739.104 of the Revised Code. 5903

(B)(1) Upon certification by the tax commissioner to the 5904
treasurer of state of a tax refund, a fee refund, or an other 5905
amount refunded, or by the superintendent of insurance of a 5906
domestic or foreign insurance tax refund, the treasurer of state 5907
shall place the amount certified to the credit of the fund. The 5908
certified amount transferred shall be derived from current 5909
receipts of the same tax, fee, or other amount from which the 5910
refund arose. If current receipts from the tax, fee, or other 5911
amount from which the refund arose are inadequate to make the 5912
transfer of the amount so certified, the treasurer of state shall 5913
transfer such certified amount from current receipts of the sales 5914
tax levied by section 5739.02 of the Revised Code. 5915

(2) When the treasurer of state provides for the payment of a 5916
refund of a tax, fee, or other amount from the current receipts of 5917
the sales tax, and the refund is for a tax, fee, or other amount 5918
that is not levied by the state, the tax commissioner shall 5919
recover the amount of that refund from the next distribution of 5920
that tax, fee, or other amount that otherwise would be made to the 5921
taxing jurisdiction. If the amount to be recovered would exceed 5922
twenty-five per cent of the next distribution of that tax, fee, or 5923
other amount, the commissioner may spread the recovery over more 5924
than one future distribution, taking into account the amount to be 5925
recovered and the amount of the anticipated future distributions. 5926
In no event may the commissioner spread the recovery over a period 5927
to exceed twenty-four months. 5928

Sec. 5703.19. (A) To carry out the purposes of the laws that 5929
the tax commissioner is required to administer, the commissioner 5930
or any person employed by the commissioner for that purpose, upon 5931

demand, may inspect books, accounts, records, and memoranda of any 5932
person or public utility subject to those laws, and may examine 5933
under oath any officer, agent, or employee of that person or 5934
public utility. Any person other than the commissioner who makes a 5935
demand pursuant to this section shall produce the person's 5936
authority to make the inspection. 5937

(B) If a person or public utility receives at least ten days' 5938
written notice of a demand made under division (A) of this section 5939
and refuses to comply with that demand, a penalty of five hundred 5940
dollars shall be imposed upon the person or public utility for 5941
each day the person or public utility refuses to comply with the 5942
demand. Penalties imposed under this division may be assessed and 5943
collected in the same manner as assessments made under Chapter 5944
3769., 4305., 5727., 5728., 5733., 5735., 5739., 5743., 5745., 5945
5747., 5749., ~~or 5751.~~ or 5753., or sections 3734.90 to 5946
3734.9014, of the Revised Code. 5947

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) 5948
of this section, no agent of the department of taxation, except in 5949
the agent's report to the department or when called on to testify 5950
in any court or proceeding, shall divulge any information acquired 5951
by the agent as to the transactions, property, or business of any 5952
person while acting or claiming to act under orders of the 5953
department. Whoever violates this provision shall thereafter be 5954
disqualified from acting as an officer or employee or in any other 5955
capacity under appointment or employment of the department. 5956

(B)(1) For purposes of an audit pursuant to section 117.15 of 5958
the Revised Code, or an audit of the department pursuant to 5959
Chapter 117. of the Revised Code, or an audit, pursuant to that 5960
chapter, the objective of which is to express an opinion on a 5961
financial report or statement prepared or issued pursuant to 5962

division (A)(7) or (9) of section 126.21 of the Revised Code, the 5963
officers and employees of the auditor of state charged with 5964
conducting the audit shall have access to and the right to examine 5965
any state tax returns and state tax return information in the 5966
possession of the department to the extent that the access and 5967
examination are necessary for purposes of the audit. Any 5968
information acquired as the result of that access and examination 5969
shall not be divulged for any purpose other than as required for 5970
the audit or unless the officers and employees are required to 5971
testify in a court or proceeding under compulsion of legal 5972
process. Whoever violates this provision shall thereafter be 5973
disqualified from acting as an officer or employee or in any other 5974
capacity under appointment or employment of the auditor of state. 5975

(2) For purposes of an internal audit pursuant to section 5976
126.45 of the Revised Code, the officers and employees of the 5977
office of internal auditing in the office of budget and management 5978
charged with conducting the internal audit shall have access to 5979
and the right to examine any state tax returns and state tax 5980
return information in the possession of the department to the 5981
extent that the access and examination are necessary for purposes 5982
of the internal audit. Any information acquired as the result of 5983
that access and examination shall not be divulged for any purpose 5984
other than as required for the internal audit or unless the 5985
officers and employees are required to testify in a court or 5986
proceeding under compulsion of legal process. Whoever violates 5987
this provision shall thereafter be disqualified from acting as an 5988
officer or employee or in any other capacity under appointment or 5989
employment of the office of internal auditing. 5990

(3) As provided by section 6103(d)(2) of the Internal Revenue 5991
Code, any federal tax returns or federal tax information that the 5992
department has acquired from the internal revenue service, through 5993
federal and state statutory authority, may be disclosed to the 5994

auditor of state or the office of internal auditing solely for 5995
purposes of an audit of the department. 5996

(4) For purposes of Chapter 3739. of the Revised Code, an 5997
agent of the department of taxation may share information with the 5998
division of state fire marshal that the agent finds during the 5999
course of an investigation. 6000

(C) Division (A) of this section does not prohibit any of the 6001
following: 6002

(1) Divulging information contained in applications, 6003
complaints, and related documents filed with the department under 6004
section 5715.27 of the Revised Code or in applications filed with 6005
the department under section 5715.39 of the Revised Code; 6006

(2) Providing information to the office of child support 6007
within the department of job and family services pursuant to 6008
section 3125.43 of the Revised Code; 6009

(3) Disclosing to the board of motor vehicle collision repair 6010
registration any information in the possession of the department 6011
that is necessary for the board to verify the existence of an 6012
applicant's valid vendor's license and current state tax 6013
identification number under section 4775.07 of the Revised Code; 6014

(4) Providing information to the administrator of workers' 6015
compensation pursuant to sections 4123.271 and 4123.591 of the 6016
Revised Code; 6017

(5) Providing to the attorney general information the 6018
department obtains under division (J) of section 1346.01 of the 6019
Revised Code; 6020

(6) Permitting properly authorized officers, employees, or 6021
agents of a municipal corporation from inspecting reports or 6022
information pursuant to rules adopted under section 5745.16 of the 6023
Revised Code; 6024

(7) Providing information regarding the name, account number, 6025
or business address of a holder of a vendor's license issued 6026
pursuant to section 5739.17 of the Revised Code, a holder of a 6027
direct payment permit issued pursuant to section 5739.031 of the 6028
Revised Code, or a seller having a use tax account maintained 6029
pursuant to section 5741.17 of the Revised Code, or information 6030
regarding the active or inactive status of a vendor's license, 6031
direct payment permit, or seller's use tax account; 6032

(8) Releasing invoices or invoice information furnished under 6033
section 4301.433 of the Revised Code pursuant to that section; 6034

(9) Providing to a county auditor notices or documents 6035
concerning or affecting the taxable value of property in the 6036
county auditor's county. Unless authorized by law to disclose 6037
documents so provided, the county auditor shall not disclose such 6038
documents; 6039

(10) Providing to a county auditor sales or use tax return or 6040
audit information under section 333.06 of the Revised Code; 6041

(11) Subject to section 4301.441 of the Revised Code, 6042
disclosing to the appropriate state agency information in the 6043
possession of the department of taxation that is necessary to 6044
verify a permit holder's gallonage or noncompliance with taxes 6045
levied under Chapter 4301. or 4305. of the Revised Code; 6046

(12) Disclosing to the department of natural resources 6047
information in the possession of the department that is necessary 6048
to verify the taxpayer's compliance with division (A)(1), (8), or 6049
(9) of section 5749.02 of the Revised Code and information 6050
received pursuant to section 1509.50 of the Revised Code 6051
concerning the amount due under that section; 6052

(13) Disclosing to the department of job and family services, 6053
industrial commission, and bureau of workers' compensation 6054
information in the possession of the department of taxation solely 6055

for the purpose of identifying employers that misclassify 6056
employees as independent contractors or that fail to properly 6057
report and pay employer tax liabilities. The department of 6058
taxation shall disclose only such information that is necessary to 6059
verify employer compliance with law administered by those 6060
agencies. 6061

(14) Disclosing to the Ohio casino control commission 6062
information in the possession of the department of taxation that 6063
is necessary to verify a taxpayer's compliance with section 6064
5753.02 of the Revised Code and sections related thereto. 6065

Sec. 5703.70. (A) On the filing of an application for refund 6066
under section 3734.905, 4307.05, 4307.07, 5727.28, 5727.91, 6067
5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 6068
5735.18, 5739.07, 5739.071, 5739.104, 5741.10, 5743.05, 5743.53, 6069
5749.08, ~~or~~ 5751.08, or 5753.06 of the Revised Code, or an 6070
application for compensation under section 5739.061 of the Revised 6071
Code, if the tax commissioner determines that the amount of the 6072
refund or compensation to which the applicant is entitled is less 6073
than the amount claimed in the application, the commissioner shall 6074
give the applicant written notice by ordinary mail of the amount. 6075
The notice shall be sent to the address shown on the application 6076
unless the applicant notifies the commissioner of a different 6077
address. The applicant shall have sixty days from the date the 6078
commissioner mails the notice to provide additional information to 6079
the commissioner or request a hearing, or both. 6080

(B) If the applicant neither requests a hearing nor provides 6081
additional information to the tax commissioner within the time 6082
prescribed by division (A) of this section, the commissioner shall 6083
take no further action, and the refund or compensation amount 6084
denied becomes final. 6085

(C)(1) If the applicant requests a hearing within the time 6086

prescribed by division (A) of this section, the tax commissioner 6087
shall assign a time and place for the hearing and notify the 6088
applicant of such time and place, but the commissioner may 6089
continue the hearing from time to time as necessary. After the 6090
hearing, the commissioner may make such adjustments to the refund 6091
or compensation as the commissioner finds proper, and shall issue 6092
a final determination thereon. 6093

(2) If the applicant does not request a hearing, but provides 6094
additional information, within the time prescribed by division (A) 6095
of this section, the commissioner shall review the information, 6096
make such adjustments to the refund or compensation as the 6097
commissioner finds proper, and issue a final determination 6098
thereon. 6099

(3) The commissioner shall serve a copy of the final 6100
determination made under division (C)(1) or (2) of this section on 6101
the applicant in the manner provided in section 5703.37 of the 6102
Revised Code, and the decision is final, subject to appeal under 6103
section 5717.02 of the Revised Code. 6104

(D) The tax commissioner shall certify to the director of 6105
budget and management and treasurer of state for payment from the 6106
tax refund fund created by section 5703.052 of the Revised Code, 6107
the amount of the refund to be refunded under division (B) or (C) 6108
of this section. The commissioner also shall certify to the 6109
director and treasurer of state for payment from the general 6110
revenue fund the amount of compensation to be paid under division 6111
(B) or (C) of this section. 6112

Sec. 5747.01. Except as otherwise expressly provided or 6113
clearly appearing from the context, any term used in this chapter 6114
that is not otherwise defined in this section has the same meaning 6115
as when used in a comparable context in the laws of the United 6116
States relating to federal income taxes or if not used in a 6117

comparable context in those laws, has the same meaning as in 6118
section 5733.40 of the Revised Code. Any reference in this chapter 6119
to the Internal Revenue Code includes other laws of the United 6120
States relating to federal income taxes. 6121

As used in this chapter: 6122

(A) "Adjusted gross income" or "Ohio adjusted gross income" 6123
means federal adjusted gross income, as defined and used in the 6124
Internal Revenue Code, adjusted as provided in this section: 6125

(1) Add interest or dividends on obligations or securities of 6126
any state or of any political subdivision or authority of any 6127
state, other than this state and its subdivisions and authorities. 6128

(2) Add interest or dividends on obligations of any 6129
authority, commission, instrumentality, territory, or possession 6130
of the United States to the extent that the interest or dividends 6131
are exempt from federal income taxes but not from state income 6132
taxes. 6133

(3) Deduct interest or dividends on obligations of the United 6134
States and its territories and possessions or of any authority, 6135
commission, or instrumentality of the United States to the extent 6136
that the interest or dividends are included in federal adjusted 6137
gross income but exempt from state income taxes under the laws of 6138
the United States. 6139

(4) Deduct disability and survivor's benefits to the extent 6140
included in federal adjusted gross income. 6141

(5) Deduct benefits under Title II of the Social Security Act 6142
and tier 1 railroad retirement benefits to the extent included in 6143
federal adjusted gross income under section 86 of the Internal 6144
Revenue Code. 6145

(6) In the case of a taxpayer who is a beneficiary of a trust 6146
that makes an accumulation distribution as defined in section 665 6147

of the Internal Revenue Code, add, for the beneficiary's taxable 6148
years beginning before 2002, the portion, if any, of such 6149
distribution that does not exceed the undistributed net income of 6150
the trust for the three taxable years preceding the taxable year 6151
in which the distribution is made to the extent that the portion 6152
was not included in the trust's taxable income for any of the 6153
trust's taxable years beginning in 2002 or thereafter. 6154

"Undistributed net income of a trust" means the taxable income of 6155
the trust increased by (a)(i) the additions to adjusted gross 6156
income required under division (A) of this section and (ii) the 6157
personal exemptions allowed to the trust pursuant to section 6158
642(b) of the Internal Revenue Code, and decreased by (b)(i) the 6159
deductions to adjusted gross income required under division (A) of 6160
this section, (ii) the amount of federal income taxes attributable 6161
to such income, and (iii) the amount of taxable income that has 6162
been included in the adjusted gross income of a beneficiary by 6163
reason of a prior accumulation distribution. Any undistributed net 6164
income included in the adjusted gross income of a beneficiary 6165
shall reduce the undistributed net income of the trust commencing 6166
with the earliest years of the accumulation period. 6167

(7) Deduct the amount of wages and salaries, if any, not 6168
otherwise allowable as a deduction but that would have been 6169
allowable as a deduction in computing federal adjusted gross 6170
income for the taxable year, had the targeted jobs credit allowed 6171
and determined under sections 38, 51, and 52 of the Internal 6172
Revenue Code not been in effect. 6173

(8) Deduct any interest or interest equivalent on public 6174
obligations and purchase obligations to the extent that the 6175
interest or interest equivalent is included in federal adjusted 6176
gross income. 6177

(9) Add any loss or deduct any gain resulting from the sale, 6178
exchange, or other disposition of public obligations to the extent 6179

that the loss has been deducted or the gain has been included in 6180
computing federal adjusted gross income. 6181

(10) Deduct or add amounts, as provided under section 5747.70 6182
of the Revised Code, related to contributions to variable college 6183
savings program accounts made or tuition units purchased pursuant 6184
to Chapter 3334. of the Revised Code. 6185

(11)(a) Deduct, to the extent not otherwise allowable as a 6186
deduction or exclusion in computing federal or Ohio adjusted gross 6187
income for the taxable year, the amount the taxpayer paid during 6188
the taxable year for medical care insurance and qualified 6189
long-term care insurance for the taxpayer, the taxpayer's spouse, 6190
and dependents. No deduction for medical care insurance under 6191
division (A)(11) of this section shall be allowed either to any 6192
taxpayer who is eligible to participate in any subsidized health 6193
plan maintained by any employer of the taxpayer or of the 6194
taxpayer's spouse, or to any taxpayer who is entitled to, or on 6195
application would be entitled to, benefits under part A of Title 6196
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 6197
301, as amended. For the purposes of division (A)(11)(a) of this 6198
section, "subsidized health plan" means a health plan for which 6199
the employer pays any portion of the plan's cost. The deduction 6200
allowed under division (A)(11)(a) of this section shall be the net 6201
of any related premium refunds, related premium reimbursements, or 6202
related insurance premium dividends received during the taxable 6203
year. 6204

(b) Deduct, to the extent not otherwise deducted or excluded 6205
in computing federal or Ohio adjusted gross income during the 6206
taxable year, the amount the taxpayer paid during the taxable 6207
year, not compensated for by any insurance or otherwise, for 6208
medical care of the taxpayer, the taxpayer's spouse, and 6209
dependents, to the extent the expenses exceed seven and one-half 6210
per cent of the taxpayer's federal adjusted gross income. 6211

(c) Deduct, to the extent not otherwise deducted or excluded 6212
in computing federal or Ohio adjusted gross income, any amount 6213
included in federal adjusted gross income under section 105 or not 6214
excluded under section 106 of the Internal Revenue Code solely 6215
because it relates to an accident and health plan for a person who 6216
otherwise would be a "qualifying relative" and thus a "dependent" 6217
under section 152 of the Internal Revenue Code but for the fact 6218
that the person fails to meet the income and support limitations 6219
under section 152(d)(1)(B) and (C) of the Internal Revenue Code. 6220

(d) For purposes of division (A)(11) of this section, 6221
"medical care" has the meaning given in section 213 of the 6222
Internal Revenue Code, subject to the special rules, limitations, 6223
and exclusions set forth therein, and "qualified long-term care" 6224
has the same meaning given in section 7702B(c) of the Internal 6225
Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) 6226
of this section, "dependent" includes a person who otherwise would 6227
be a "qualifying relative" and thus a "dependent" under section 6228
152 of the Internal Revenue Code but for the fact that the person 6229
fails to meet the income and support limitations under section 6230
152(d)(1)(B) and (C) of the Internal Revenue Code. 6231

(12)(a) Deduct any amount included in federal adjusted gross 6232
income solely because the amount represents a reimbursement or 6233
refund of expenses that in any year the taxpayer had deducted as 6234
an itemized deduction pursuant to section 63 of the Internal 6235
Revenue Code and applicable United States department of the 6236
treasury regulations. The deduction otherwise allowed under 6237
division (A)(12)(a) of this section shall be reduced to the extent 6238
the reimbursement is attributable to an amount the taxpayer 6239
deducted under this section in any taxable year. 6240

(b) Add any amount not otherwise included in Ohio adjusted 6241
gross income for any taxable year to the extent that the amount is 6242
attributable to the recovery during the taxable year of any amount 6243

deducted or excluded in computing federal or Ohio adjusted gross 6244
income in any taxable year. 6245

(13) Deduct any portion of the deduction described in section 6246
1341(a)(2) of the Internal Revenue Code, for repaying previously 6247
reported income received under a claim of right, that meets both 6248
of the following requirements: 6249

(a) It is allowable for repayment of an item that was 6250
included in the taxpayer's adjusted gross income for a prior 6251
taxable year and did not qualify for a credit under division (A) 6252
or (B) of section 5747.05 of the Revised Code for that year; 6253

(b) It does not otherwise reduce the taxpayer's adjusted 6254
gross income for the current or any other taxable year. 6255

(14) Deduct an amount equal to the deposits made to, and net 6256
investment earnings of, a medical savings account during the 6257
taxable year, in accordance with section 3924.66 of the Revised 6258
Code. The deduction allowed by division (A)(14) of this section 6259
does not apply to medical savings account deposits and earnings 6260
otherwise deducted or excluded for the current or any other 6261
taxable year from the taxpayer's federal adjusted gross income. 6262

(15)(a) Add an amount equal to the funds withdrawn from a 6263
medical savings account during the taxable year, and the net 6264
investment earnings on those funds, when the funds withdrawn were 6265
used for any purpose other than to reimburse an account holder 6266
for, or to pay, eligible medical expenses, in accordance with 6267
section 3924.66 of the Revised Code; 6268

(b) Add the amounts distributed from a medical savings 6269
account under division (A)(2) of section 3924.68 of the Revised 6270
Code during the taxable year. 6271

(16) Add any amount claimed as a credit under section 6272
5747.059 of the Revised Code to the extent that such amount 6273
satisfies either of the following: 6274

(a) The amount was deducted or excluded from the computation 6275
of the taxpayer's federal adjusted gross income as required to be 6276
reported for the taxpayer's taxable year under the Internal 6277
Revenue Code; 6278

(b) The amount resulted in a reduction of the taxpayer's 6279
federal adjusted gross income as required to be reported for any 6280
of the taxpayer's taxable years under the Internal Revenue Code. 6281

(17) Deduct the amount contributed by the taxpayer to an 6282
individual development account program established by a county 6283
department of job and family services pursuant to sections 329.11 6284
to 329.14 of the Revised Code for the purpose of matching funds 6285
deposited by program participants. On request of the tax 6286
commissioner, the taxpayer shall provide any information that, in 6287
the tax commissioner's opinion, is necessary to establish the 6288
amount deducted under division (A)(17) of this section. 6289

(18) Beginning in taxable year 2001 but not for any taxable 6290
year beginning after December 31, 2005, if the taxpayer is married 6291
and files a joint return and the combined federal adjusted gross 6292
income of the taxpayer and the taxpayer's spouse for the taxable 6293
year does not exceed one hundred thousand dollars, or if the 6294
taxpayer is single and has a federal adjusted gross income for the 6295
taxable year not exceeding fifty thousand dollars, deduct amounts 6296
paid during the taxable year for qualified tuition and fees paid 6297
to an eligible institution for the taxpayer, the taxpayer's 6298
spouse, or any dependent of the taxpayer, who is a resident of 6299
this state and is enrolled in or attending a program that 6300
culminates in a degree or diploma at an eligible institution. The 6301
deduction may be claimed only to the extent that qualified tuition 6302
and fees are not otherwise deducted or excluded for any taxable 6303
year from federal or Ohio adjusted gross income. The deduction may 6304
not be claimed for educational expenses for which the taxpayer 6305
claims a credit under section 5747.27 of the Revised Code. 6306

(19) Add any reimbursement received during the taxable year 6307
of any amount the taxpayer deducted under division (A)(18) of this 6308
section in any previous taxable year to the extent the amount is 6309
not otherwise included in Ohio adjusted gross income. 6310

(20)(a)(i) Add five-sixths of the amount of depreciation 6311
expense allowed by subsection (k) of section 168 of the Internal 6312
Revenue Code, including the taxpayer's proportionate or 6313
distributive share of the amount of depreciation expense allowed 6314
by that subsection to a pass-through entity in which the taxpayer 6315
has a direct or indirect ownership interest. 6316

(ii) Add five-sixths of the amount of qualifying section 179 6317
depreciation expense, including a person's proportionate or 6318
distributive share of the amount of qualifying section 179 6319
depreciation expense allowed to any pass-through entity in which 6320
the person has a direct or indirect ownership. For the purposes of 6321
this division, "qualifying section 179 depreciation expense" means 6322
the difference between (I) the amount of depreciation expense 6323
directly or indirectly allowed to the taxpayer under section 179 6324
of the Internal Revenue Code, and (II) the amount of depreciation 6325
expense directly or indirectly allowed to the taxpayer under 6326
section 179 of the Internal Revenue Code as that section existed 6327
on December 31, 2002. 6328

The tax commissioner, under procedures established by the 6329
commissioner, may waive the add-backs related to a pass-through 6330
entity if the taxpayer owns, directly or indirectly, less than 6331
five per cent of the pass-through entity. 6332

(b) Nothing in division (A)(20) of this section shall be 6333
construed to adjust or modify the adjusted basis of any asset. 6334

(c) To the extent the add-back required under division 6335
(A)(20)(a) of this section is attributable to property generating 6336
nonbusiness income or loss allocated under section 5747.20 of the 6337

Revised Code, the add-back shall be situated to the same location 6338
as the nonbusiness income or loss generated by the property for 6339
the purpose of determining the credit under division (A) of 6340
section 5747.05 of the Revised Code. Otherwise, the add-back shall 6341
be apportioned, subject to one or more of the four alternative 6342
methods of apportionment enumerated in section 5747.21 of the 6343
Revised Code. 6344

(d) For the purposes of division (A) of this section, net 6345
operating loss carryback and carryforward shall not include 6346
five-sixths of the allowance of any net operating loss deduction 6347
carryback or carryforward to the taxable year to the extent such 6348
loss resulted from depreciation allowed by section 168(k) of the 6349
Internal Revenue Code and by the qualifying section 179 6350
depreciation expense amount. 6351

(21)(a) If the taxpayer was required to add an amount under 6352
division (A)(20)(a) of this section for a taxable year, deduct 6353
one-fifth of the amount so added for each of the five succeeding 6354
taxable years. 6355

(b) If the amount deducted under division (A)(21)(a) of this 6356
section is attributable to an add-back allocated under division 6357
(A)(20)(c) of this section, the amount deducted shall be situated 6358
to the same location. Otherwise, the add-back shall be apportioned 6359
using the apportionment factors for the taxable year in which the 6360
deduction is taken, subject to one or more of the four alternative 6361
methods of apportionment enumerated in section 5747.21 of the 6362
Revised Code. 6363

(c) No deduction is available under division (A)(21)(a) of 6364
this section with regard to any depreciation allowed by section 6365
168(k) of the Internal Revenue Code and by the qualifying section 6366
179 depreciation expense amount to the extent that such 6367
depreciation resulted in or increased a federal net operating loss 6368
carryback or carryforward to a taxable year to which division 6369

(A)(20)(d) of this section does not apply. 6370

(22) Deduct, to the extent not otherwise deducted or excluded 6371
in computing federal or Ohio adjusted gross income for the taxable 6372
year, the amount the taxpayer received during the taxable year as 6373
reimbursement for life insurance premiums under section 5919.31 of 6374
the Revised Code. 6375

(23) Deduct, to the extent not otherwise deducted or excluded 6376
in computing federal or Ohio adjusted gross income for the taxable 6377
year, the amount the taxpayer received during the taxable year as 6378
a death benefit paid by the adjutant general under section 5919.33 6379
of the Revised Code. 6380

(24) Deduct, to the extent included in federal adjusted gross 6381
income and not otherwise allowable as a deduction or exclusion in 6382
computing federal or Ohio adjusted gross income for the taxable 6383
year, military pay and allowances received by the taxpayer during 6384
the taxable year for active duty service in the United States 6385
army, air force, navy, marine corps, or coast guard or reserve 6386
components thereof or the national guard. The deduction may not be 6387
claimed for military pay and allowances received by the taxpayer 6388
while the taxpayer is stationed in this state. 6389

(25) Deduct, to the extent not otherwise allowable as a 6390
deduction or exclusion in computing federal or Ohio adjusted gross 6391
income for the taxable year and not otherwise compensated for by 6392
any other source, the amount of qualified organ donation expenses 6393
incurred by the taxpayer during the taxable year, not to exceed 6394
ten thousand dollars. A taxpayer may deduct qualified organ 6395
donation expenses only once for all taxable years beginning with 6396
taxable years beginning in 2007. 6397

For the purposes of division (A)(25) of this section: 6398

(a) "Human organ" means all or any portion of a human liver, 6399
pancreas, kidney, intestine, or lung, and any portion of human 6400

bone marrow. 6401

(b) "Qualified organ donation expenses" means travel 6402
expenses, lodging expenses, and wages and salary forgone by a 6403
taxpayer in connection with the taxpayer's donation, while living, 6404
of one or more of the taxpayer's human organs to another human 6405
being. 6406

(26) Deduct, to the extent not otherwise deducted or excluded 6407
in computing federal or Ohio adjusted gross income for the taxable 6408
year, amounts received by the taxpayer as retired military 6409
personnel pay for service in the United States army, navy, air 6410
force, coast guard, or marine corps or reserve components thereof, 6411
or the national guard, or received by the surviving spouse or 6412
former spouse of such a taxpayer under the survivor benefit plan 6413
on account of such a taxpayer's death. If the taxpayer receives 6414
income on account of retirement paid under the federal civil 6415
service retirement system or federal employees retirement system, 6416
or under any successor retirement program enacted by the congress 6417
of the United States that is established and maintained for 6418
retired employees of the United States government, and such 6419
retirement income is based, in whole or in part, on credit for the 6420
taxpayer's military service, the deduction allowed under this 6421
division shall include only that portion of such retirement income 6422
that is attributable to the taxpayer's military service, to the 6423
extent that portion of such retirement income is otherwise 6424
included in federal adjusted gross income and is not otherwise 6425
deducted under this section. Any amount deducted under division 6426
(A)(26) of this section is not included in a taxpayer's adjusted 6427
gross income for the purposes of section 5747.055 of the Revised 6428
Code. No amount may be deducted under division (A)(26) of this 6429
section on the basis of which a credit was claimed under section 6430
5747.055 of the Revised Code. 6431

(27) Deduct, to the extent not otherwise deducted or excluded 6432

in computing federal or Ohio adjusted gross income for the taxable 6433
year, the amount the taxpayer received during the taxable year 6434
from the military injury relief fund created in section 5101.98 of 6435
the Revised Code. 6436

(28) Deduct, to the extent not otherwise deducted or excluded 6437
in computing federal or Ohio adjusted gross income for the taxable 6438
year, the amount the taxpayer received as a veterans bonus during 6439
the taxable year from the Ohio department of veterans services as 6440
authorized by Section 2r of Article VIII, Ohio Constitution. 6441

(29) Deduct, to the extent not otherwise deducted or excluded 6442
in computing federal or Ohio adjusted gross income for the taxable 6443
year, any loss from wagering transactions that is allowed as an 6444
itemized deduction under section 165 of the Internal Revenue Code 6445
and that the taxpayer deducted in computing federal taxable 6446
income. 6447

(B) "Business income" means income, including gain or loss, 6448
arising from transactions, activities, and sources in the regular 6449
course of a trade or business and includes income, gain, or loss 6450
from real property, tangible property, and intangible property if 6451
the acquisition, rental, management, and disposition of the 6452
property constitute integral parts of the regular course of a 6453
trade or business operation. "Business income" includes income, 6454
including gain or loss, from a partial or complete liquidation of 6455
a business, including, but not limited to, gain or loss from the 6456
sale or other disposition of goodwill. 6457

(C) "Nonbusiness income" means all income other than business 6458
income and may include, but is not limited to, compensation, rents 6459
and royalties from real or tangible personal property, capital 6460
gains, interest, dividends and distributions, patent or copyright 6461
royalties, or lottery winnings, prizes, and awards. 6462

(D) "Compensation" means any form of remuneration paid to an 6463

employee for personal services. 6464

(E) "Fiduciary" means a guardian, trustee, executor, 6465
administrator, receiver, conservator, or any other person acting 6466
in any fiduciary capacity for any individual, trust, or estate. 6467

(F) "Fiscal year" means an accounting period of twelve months 6468
ending on the last day of any month other than December. 6469

(G) "Individual" means any natural person. 6470

(H) "Internal Revenue Code" means the "Internal Revenue Code 6471
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 6472

(I) "Resident" means any of the following, provided that 6473
division (I)(3) of this section applies only to taxable years of a 6474
trust beginning in 2002 or thereafter: 6475

(1) An individual who is domiciled in this state, subject to 6476
section 5747.24 of the Revised Code; 6477

(2) The estate of a decedent who at the time of death was 6478
domiciled in this state. The domicile tests of section 5747.24 of 6479
the Revised Code are not controlling for purposes of division 6480
(I)(2) of this section. 6481

(3) A trust that, in whole or part, resides in this state. If 6482
only part of a trust resides in this state, the trust is a 6483
resident only with respect to that part. 6484

For the purposes of division (I)(3) of this section: 6485

(a) A trust resides in this state for the trust's current 6486
taxable year to the extent, as described in division (I)(3)(d) of 6487
this section, that the trust consists directly or indirectly, in 6488
whole or in part, of assets, net of any related liabilities, that 6489
were transferred, or caused to be transferred, directly or 6490
indirectly, to the trust by any of the following: 6491

(i) A person, a court, or a governmental entity or 6492
instrumentality on account of the death of a decedent, but only if 6493

the trust is described in division (I)(3)(e)(i) or (ii) of this section;

(ii) A person who was domiciled in this state for the purposes of this chapter when the person directly or indirectly transferred assets to an irrevocable trust, but only if at least one of the trust's qualifying beneficiaries is domiciled in this state for the purposes of this chapter during all or some portion of the trust's current taxable year;

(iii) A person who was domiciled in this state for the purposes of this chapter when the trust document or instrument or part of the trust document or instrument became irrevocable, but only if at least one of the trust's qualifying beneficiaries is a resident domiciled in this state for the purposes of this chapter during all or some portion of the trust's current taxable year. If a trust document or instrument became irrevocable upon the death of a person who at the time of death was domiciled in this state for purposes of this chapter, that person is a person described in division (I)(3)(a)(iii) of this section.

(b) A trust is irrevocable to the extent that the transferor is not considered to be the owner of the net assets of the trust under sections 671 to 678 of the Internal Revenue Code.

(c) With respect to a trust other than a charitable lead trust, "qualifying beneficiary" has the same meaning as "potential current beneficiary" as defined in section 1361(e)(2) of the Internal Revenue Code, and with respect to a charitable lead trust "qualifying beneficiary" is any current, future, or contingent beneficiary, but with respect to any trust "qualifying beneficiary" excludes a person or a governmental entity or instrumentality to any of which a contribution would qualify for the charitable deduction under section 170 of the Internal Revenue Code.

(d) For the purposes of division (I)(3)(a) of this section, 6525
the extent to which a trust consists directly or indirectly, in 6526
whole or in part, of assets, net of any related liabilities, that 6527
were transferred directly or indirectly, in whole or part, to the 6528
trust by any of the sources enumerated in that division shall be 6529
ascertained by multiplying the fair market value of the trust's 6530
assets, net of related liabilities, by the qualifying ratio, which 6531
shall be computed as follows: 6532

(i) The first time the trust receives assets, the numerator 6533
of the qualifying ratio is the fair market value of those assets 6534
at that time, net of any related liabilities, from sources 6535
enumerated in division (I)(3)(a) of this section. The denominator 6536
of the qualifying ratio is the fair market value of all the 6537
trust's assets at that time, net of any related liabilities. 6538

(ii) Each subsequent time the trust receives assets, a 6539
revised qualifying ratio shall be computed. The numerator of the 6540
revised qualifying ratio is the sum of (1) the fair market value 6541
of the trust's assets immediately prior to the subsequent 6542
transfer, net of any related liabilities, multiplied by the 6543
qualifying ratio last computed without regard to the subsequent 6544
transfer, and (2) the fair market value of the subsequently 6545
transferred assets at the time transferred, net of any related 6546
liabilities, from sources enumerated in division (I)(3)(a) of this 6547
section. The denominator of the revised qualifying ratio is the 6548
fair market value of all the trust's assets immediately after the 6549
subsequent transfer, net of any related liabilities. 6550

(iii) Whether a transfer to the trust is by or from any of 6551
the sources enumerated in division (I)(3)(a) of this section shall 6552
be ascertained without regard to the domicile of the trust's 6553
beneficiaries. 6554

(e) For the purposes of division (I)(3)(a)(i) of this 6555
section: 6556

(i) A trust is described in division (I)(3)(e)(i) of this section if the trust is a testamentary trust and the testator of that testamentary trust was domiciled in this state at the time of the testator's death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

(ii) A trust is described in division (I)(3)(e)(ii) of this section if the transfer is a qualifying transfer described in any of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an irrevocable inter vivos trust, and at least one of the trust's qualifying beneficiaries is domiciled in this state for purposes of this chapter during all or some portion of the trust's current taxable year.

(f) For the purposes of division (I)(3)(e)(ii) of this section, a "qualifying transfer" is a transfer of assets, net of any related liabilities, directly or indirectly to a trust, if the transfer is described in any of the following:

(i) The transfer is made to a trust, created by the decedent before the decedent's death and while the decedent was domiciled in this state for the purposes of this chapter, and, prior to the death of the decedent, the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter.

(ii) The transfer is made to a trust to which the decedent, prior to the decedent's death, had directly or indirectly transferred assets, net of any related liabilities, while the decedent was domiciled in this state for the purposes of this chapter, and prior to the death of the decedent the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter.

(iii) The transfer is made on account of a contractual relationship existing directly or indirectly between the

transferor and either the decedent or the estate of the decedent 6588
at any time prior to the date of the decedent's death, and the 6589
decedent was domiciled in this state at the time of death for 6590
purposes of the taxes levied under Chapter 5731. of the Revised 6591
Code. 6592

(iv) The transfer is made to a trust on account of a 6593
contractual relationship existing directly or indirectly between 6594
the transferor and another person who at the time of the 6595
decedent's death was domiciled in this state for purposes of this 6596
chapter. 6597

(v) The transfer is made to a trust on account of the will of 6598
a testator who was domiciled in this state at the time of the 6599
testator's death for purposes of the taxes levied under Chapter 6600
5731. of the Revised Code. 6601

(vi) The transfer is made to a trust created by or caused to 6602
be created by a court, and the trust was directly or indirectly 6603
created in connection with or as a result of the death of an 6604
individual who, for purposes of the taxes levied under Chapter 6605
5731. of the Revised Code, was domiciled in this state at the time 6606
of the individual's death. 6607

(g) The tax commissioner may adopt rules to ascertain the 6608
part of a trust residing in this state. 6609

(J) "Nonresident" means an individual or estate that is not a 6610
resident. An individual who is a resident for only part of a 6611
taxable year is a nonresident for the remainder of that taxable 6612
year. 6613

(K) "Pass-through entity" has the same meaning as in section 6614
5733.04 of the Revised Code. 6615

(L) "Return" means the notifications and reports required to 6616
be filed pursuant to this chapter for the purpose of reporting the 6617
tax due and includes declarations of estimated tax when so 6618

required. 6619

(M) "Taxable year" means the calendar year or the taxpayer's 6620
fiscal year ending during the calendar year, or fractional part 6621
thereof, upon which the adjusted gross income is calculated 6622
pursuant to this chapter. 6623

(N) "Taxpayer" means any person subject to the tax imposed by 6624
section 5747.02 of the Revised Code or any pass-through entity 6625
that makes the election under division (D) of section 5747.08 of 6626
the Revised Code. 6627

(O) "Dependents" means dependents as defined in the Internal 6628
Revenue Code and as claimed in the taxpayer's federal income tax 6629
return for the taxable year or which the taxpayer would have been 6630
permitted to claim had the taxpayer filed a federal income tax 6631
return. 6632

(P) "Principal county of employment" means, in the case of a 6633
nonresident, the county within the state in which a taxpayer 6634
performs services for an employer or, if those services are 6635
performed in more than one county, the county in which the major 6636
portion of the services are performed. 6637

(Q) As used in sections 5747.50 to 5747.55 of the Revised 6638
Code: 6639

(1) "Subdivision" means any county, municipal corporation, 6640
park district, or township. 6641

(2) "Essential local government purposes" includes all 6642
functions that any subdivision is required by general law to 6643
exercise, including like functions that are exercised under a 6644
charter adopted pursuant to the Ohio Constitution. 6645

(R) "Overpayment" means any amount already paid that exceeds 6646
the figure determined to be the correct amount of the tax. 6647

(S) "Taxable income" or "Ohio taxable income" applies only to 6648

estates and trusts, and means federal taxable income, as defined 6649
and used in the Internal Revenue Code, adjusted as follows: 6650

(1) Add interest or dividends, net of ordinary, necessary, 6651
and reasonable expenses not deducted in computing federal taxable 6652
income, on obligations or securities of any state or of any 6653
political subdivision or authority of any state, other than this 6654
state and its subdivisions and authorities, but only to the extent 6655
that such net amount is not otherwise includible in Ohio taxable 6656
income and is described in either division (S)(1)(a) or (b) of 6657
this section: 6658

(a) The net amount is not attributable to the S portion of an 6659
electing small business trust and has not been distributed to 6660
beneficiaries for the taxable year; 6661

(b) The net amount is attributable to the S portion of an 6662
electing small business trust for the taxable year. 6663

(2) Add interest or dividends, net of ordinary, necessary, 6664
and reasonable expenses not deducted in computing federal taxable 6665
income, on obligations of any authority, commission, 6666
instrumentality, territory, or possession of the United States to 6667
the extent that the interest or dividends are exempt from federal 6668
income taxes but not from state income taxes, but only to the 6669
extent that such net amount is not otherwise includible in Ohio 6670
taxable income and is described in either division (S)(1)(a) or 6671
(b) of this section; 6672

(3) Add the amount of personal exemption allowed to the 6673
estate pursuant to section 642(b) of the Internal Revenue Code; 6674

(4) Deduct interest or dividends, net of related expenses 6675
deducted in computing federal taxable income, on obligations of 6676
the United States and its territories and possessions or of any 6677
authority, commission, or instrumentality of the United States to 6678
the extent that the interest or dividends are exempt from state 6679

taxes under the laws of the United States, but only to the extent 6680
that such amount is included in federal taxable income and is 6681
described in either division (S)(1)(a) or (b) of this section; 6682

(5) Deduct the amount of wages and salaries, if any, not 6683
otherwise allowable as a deduction but that would have been 6684
allowable as a deduction in computing federal taxable income for 6685
the taxable year, had the targeted jobs credit allowed under 6686
sections 38, 51, and 52 of the Internal Revenue Code not been in 6687
effect, but only to the extent such amount relates either to 6688
income included in federal taxable income for the taxable year or 6689
to income of the S portion of an electing small business trust for 6690
the taxable year; 6691

(6) Deduct any interest or interest equivalent, net of 6692
related expenses deducted in computing federal taxable income, on 6693
public obligations and purchase obligations, but only to the 6694
extent that such net amount relates either to income included in 6695
federal taxable income for the taxable year or to income of the S 6696
portion of an electing small business trust for the taxable year; 6697

(7) Add any loss or deduct any gain resulting from sale, 6698
exchange, or other disposition of public obligations to the extent 6699
that such loss has been deducted or such gain has been included in 6700
computing either federal taxable income or income of the S portion 6701
of an electing small business trust for the taxable year; 6702

(8) Except in the case of the final return of an estate, add 6703
any amount deducted by the taxpayer on both its Ohio estate tax 6704
return pursuant to section 5731.14 of the Revised Code, and on its 6705
federal income tax return in determining federal taxable income; 6706

(9)(a) Deduct any amount included in federal taxable income 6707
solely because the amount represents a reimbursement or refund of 6708
expenses that in a previous year the decedent had deducted as an 6709
itemized deduction pursuant to section 63 of the Internal Revenue 6710

Code and applicable treasury regulations. The deduction otherwise 6711
allowed under division (S)(9)(a) of this section shall be reduced 6712
to the extent the reimbursement is attributable to an amount the 6713
taxpayer or decedent deducted under this section in any taxable 6714
year. 6715

(b) Add any amount not otherwise included in Ohio taxable 6716
income for any taxable year to the extent that the amount is 6717
attributable to the recovery during the taxable year of any amount 6718
deducted or excluded in computing federal or Ohio taxable income 6719
in any taxable year, but only to the extent such amount has not 6720
been distributed to beneficiaries for the taxable year. 6721

(10) Deduct any portion of the deduction described in section 6722
1341(a)(2) of the Internal Revenue Code, for repaying previously 6723
reported income received under a claim of right, that meets both 6724
of the following requirements: 6725

(a) It is allowable for repayment of an item that was 6726
included in the taxpayer's taxable income or the decedent's 6727
adjusted gross income for a prior taxable year and did not qualify 6728
for a credit under division (A) or (B) of section 5747.05 of the 6729
Revised Code for that year. 6730

(b) It does not otherwise reduce the taxpayer's taxable 6731
income or the decedent's adjusted gross income for the current or 6732
any other taxable year. 6733

(11) Add any amount claimed as a credit under section 6734
5747.059 of the Revised Code to the extent that the amount 6735
satisfies either of the following: 6736

(a) The amount was deducted or excluded from the computation 6737
of the taxpayer's federal taxable income as required to be 6738
reported for the taxpayer's taxable year under the Internal 6739
Revenue Code; 6740

(b) The amount resulted in a reduction in the taxpayer's 6741

federal taxable income as required to be reported for any of the 6742
taxpayer's taxable years under the Internal Revenue Code. 6743

(12) Deduct any amount, net of related expenses deducted in 6744
computing federal taxable income, that a trust is required to 6745
report as farm income on its federal income tax return, but only 6746
if the assets of the trust include at least ten acres of land 6747
satisfying the definition of "land devoted exclusively to 6748
agricultural use" under section 5713.30 of the Revised Code, 6749
regardless of whether the land is valued for tax purposes as such 6750
land under sections 5713.30 to 5713.38 of the Revised Code. If the 6751
trust is a pass-through entity investor, section 5747.231 of the 6752
Revised Code applies in ascertaining if the trust is eligible to 6753
claim the deduction provided by division (S)(12) of this section 6754
in connection with the pass-through entity's farm income. 6755

Except for farm income attributable to the S portion of an 6756
electing small business trust, the deduction provided by division 6757
(S)(12) of this section is allowed only to the extent that the 6758
trust has not distributed such farm income. Division (S)(12) of 6759
this section applies only to taxable years of a trust beginning in 6760
2002 or thereafter. 6761

(13) Add the net amount of income described in section 641(c) 6762
of the Internal Revenue Code to the extent that amount is not 6763
included in federal taxable income. 6764

(14) Add or deduct the amount the taxpayer would be required 6765
to add or deduct under division (A)(20) or (21) of this section if 6766
the taxpayer's Ohio taxable income were computed in the same 6767
manner as an individual's Ohio adjusted gross income is computed 6768
under this section. In the case of a trust, division (S)(14) of 6769
this section applies only to any of the trust's taxable years 6770
beginning in 2002 or thereafter. 6771

(T) "School district income" and "school district income tax" 6772

have the same meanings as in section 5748.01 of the Revised Code. 6773

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 6774
of this section, "public obligations," "purchase obligations," and 6775
"interest or interest equivalent" have the same meanings as in 6776
section 5709.76 of the Revised Code. 6777

(V) "Limited liability company" means any limited liability 6778
company formed under Chapter 1705. of the Revised Code or under 6779
the laws of any other state. 6780

(W) "Pass-through entity investor" means any person who, 6781
during any portion of a taxable year of a pass-through entity, is 6782
a partner, member, shareholder, or equity investor in that 6783
pass-through entity. 6784

(X) "Banking day" has the same meaning as in section 1304.01 6785
of the Revised Code. 6786

(Y) "Month" means a calendar month. 6787

(Z) "Quarter" means the first three months, the second three 6788
months, the third three months, or the last three months of the 6789
taxpayer's taxable year. 6790

(AA)(1) "Eligible institution" means a state university or 6791
state institution of higher education as defined in section 6792
3345.011 of the Revised Code, or a private, nonprofit college, 6793
university, or other post-secondary institution located in this 6794
state that possesses a certificate of authorization issued by the 6795
Ohio board of regents pursuant to Chapter 1713. of the Revised 6796
Code or a certificate of registration issued by the state board of 6797
career colleges and schools under Chapter 3332. of the Revised 6798
Code. 6799

(2) "Qualified tuition and fees" means tuition and fees 6800
imposed by an eligible institution as a condition of enrollment or 6801
attendance, not exceeding two thousand five hundred dollars in 6802

each of the individual's first two years of post-secondary 6803
education. If the individual is a part-time student, "qualified 6804
tuition and fees" includes tuition and fees paid for the academic 6805
equivalent of the first two years of post-secondary education 6806
during a maximum of five taxable years, not exceeding a total of 6807
five thousand dollars. "Qualified tuition and fees" does not 6808
include: 6809

(a) Expenses for any course or activity involving sports, 6810
games, or hobbies unless the course or activity is part of the 6811
individual's degree or diploma program; 6812

(b) The cost of books, room and board, student activity fees, 6813
athletic fees, insurance expenses, or other expenses unrelated to 6814
the individual's academic course of instruction; 6815

(c) Tuition, fees, or other expenses paid or reimbursed 6816
through an employer, scholarship, grant in aid, or other 6817
educational benefit program. 6818

(BB)(1) "Modified business income" means the business income 6819
included in a trust's Ohio taxable income after such taxable 6820
income is first reduced by the qualifying trust amount, if any. 6821

(2) "Qualifying trust amount" of a trust means capital gains 6822
and losses from the sale, exchange, or other disposition of equity 6823
or ownership interests in, or debt obligations of, a qualifying 6824
investee to the extent included in the trust's Ohio taxable 6825
income, but only if the following requirements are satisfied: 6826

(a) The book value of the qualifying investee's physical 6827
assets in this state and everywhere, as of the last day of the 6828
qualifying investee's fiscal or calendar year ending immediately 6829
prior to the date on which the trust recognizes the gain or loss, 6830
is available to the trust. 6831

(b) The requirements of section 5747.011 of the Revised Code 6832
are satisfied for the trust's taxable year in which the trust 6833

recognizes the gain or loss. 6834

Any gain or loss that is not a qualifying trust amount is 6835
modified business income, qualifying investment income, or 6836
modified nonbusiness income, as the case may be. 6837

(3) "Modified nonbusiness income" means a trust's Ohio 6838
taxable income other than modified business income, other than the 6839
qualifying trust amount, and other than qualifying investment 6840
income, as defined in section 5747.012 of the Revised Code, to the 6841
extent such qualifying investment income is not otherwise part of 6842
modified business income. 6843

(4) "Modified Ohio taxable income" applies only to trusts, 6844
and means the sum of the amounts described in divisions (BB)(4)(a) 6845
to (c) of this section: 6846

(a) The fraction, calculated under section 5747.013, and 6847
applying section 5747.231 of the Revised Code, multiplied by the 6848
sum of the following amounts: 6849

(i) The trust's modified business income; 6850

(ii) The trust's qualifying investment income, as defined in 6851
section 5747.012 of the Revised Code, but only to the extent the 6852
qualifying investment income does not otherwise constitute 6853
modified business income and does not otherwise constitute a 6854
qualifying trust amount. 6855

(b) The qualifying trust amount multiplied by a fraction, the 6856
numerator of which is the sum of the book value of the qualifying 6857
investee's physical assets in this state on the last day of the 6858
qualifying investee's fiscal or calendar year ending immediately 6859
prior to the day on which the trust recognizes the qualifying 6860
trust amount, and the denominator of which is the sum of the book 6861
value of the qualifying investee's total physical assets 6862
everywhere on the last day of the qualifying investee's fiscal or 6863
calendar year ending immediately prior to the day on which the 6864

trust recognizes the qualifying trust amount. If, for a taxable 6865
year, the trust recognizes a qualifying trust amount with respect 6866
to more than one qualifying investee, the amount described in 6867
division (BB)(4)(b) of this section shall equal the sum of the 6868
products so computed for each such qualifying investee. 6869

(c)(i) With respect to a trust or portion of a trust that is 6870
a resident as ascertained in accordance with division (I)(3)(d) of 6871
this section, its modified nonbusiness income. 6872

(ii) With respect to a trust or portion of a trust that is 6873
not a resident as ascertained in accordance with division 6874
(I)(3)(d) of this section, the amount of its modified nonbusiness 6875
income satisfying the descriptions in divisions (B)(2) to (5) of 6876
section 5747.20 of the Revised Code, except as otherwise provided 6877
in division (BB)(4)(c)(ii) of this section. With respect to a 6878
trust or portion of a trust that is not a resident as ascertained 6879
in accordance with division (I)(3)(d) of this section, the trust's 6880
portion of modified nonbusiness income recognized from the sale, 6881
exchange, or other disposition of a debt interest in or equity 6882
interest in a section 5747.212 entity, as defined in section 6883
5747.212 of the Revised Code, without regard to division (A) of 6884
that section, shall not be allocated to this state in accordance 6885
with section 5747.20 of the Revised Code but shall be apportioned 6886
to this state in accordance with division (B) of section 5747.212 6887
of the Revised Code without regard to division (A) of that 6888
section. 6889

If the allocation and apportionment of a trust's income under 6890
divisions (BB)(4)(a) and (c) of this section do not fairly 6891
represent the modified Ohio taxable income of the trust in this 6892
state, the alternative methods described in division (C) of 6893
section 5747.21 of the Revised Code may be applied in the manner 6894
and to the same extent provided in that section. 6895

(5)(a) Except as set forth in division (BB)(5)(b) of this 6896

section, "qualifying investee" means a person in which a trust has an equity or ownership interest, or a person or unit of government the debt obligations of either of which are owned by a trust. For the purposes of division (BB)(2)(a) of this section and for the purpose of computing the fraction described in division (BB)(4)(b) of this section, all of the following apply:

(i) If the qualifying investee is a member of a qualifying controlled group on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, then "qualifying investee" includes all persons in the qualifying controlled group on such last day.

(ii) If the qualifying investee, or if the qualifying investee and any members of the qualifying controlled group of which the qualifying investee is a member on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, separately or cumulatively own, directly or indirectly, on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount, more than fifty per cent of the equity of a pass-through entity, then the qualifying investee and the other members are deemed to own the proportionate share of the pass-through entity's physical assets which the pass-through entity directly or indirectly owns on the last day of the pass-through entity's calendar or fiscal year ending within or with the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount.

(iii) For the purposes of division (BB)(5)(a)(iii) of this section, "upper level pass-through entity" means a pass-through entity directly or indirectly owning any equity of another

pass-through entity, and "lower level pass-through entity" means 6929
that other pass-through entity. 6930

An upper level pass-through entity, whether or not it is also 6931
a qualifying investee, is deemed to own, on the last day of the 6932
upper level pass-through entity's calendar or fiscal year, the 6933
proportionate share of the lower level pass-through entity's 6934
physical assets that the lower level pass-through entity directly 6935
or indirectly owns on the last day of the lower level pass-through 6936
entity's calendar or fiscal year ending within or with the last 6937
day of the upper level pass-through entity's fiscal or calendar 6938
year. If the upper level pass-through entity directly and 6939
indirectly owns less than fifty per cent of the equity of the 6940
lower level pass-through entity on each day of the upper level 6941
pass-through entity's calendar or fiscal year in which or with 6942
which ends the calendar or fiscal year of the lower level 6943
pass-through entity and if, based upon clear and convincing 6944
evidence, complete information about the location and cost of the 6945
physical assets of the lower pass-through entity is not available 6946
to the upper level pass-through entity, then solely for purposes 6947
of ascertaining if a gain or loss constitutes a qualifying trust 6948
amount, the upper level pass-through entity shall be deemed as 6949
owning no equity of the lower level pass-through entity for each 6950
day during the upper level pass-through entity's calendar or 6951
fiscal year in which or with which ends the lower level 6952
pass-through entity's calendar or fiscal year. Nothing in division 6953
(BB)(5)(a)(iii) of this section shall be construed to provide for 6954
any deduction or exclusion in computing any trust's Ohio taxable 6955
income. 6956

(b) With respect to a trust that is not a resident for the 6957
taxable year and with respect to a part of a trust that is not a 6958
resident for the taxable year, "qualifying investee" for that 6959
taxable year does not include a C corporation if both of the 6960

following apply: 6961

(i) During the taxable year the trust or part of the trust 6962
recognizes a gain or loss from the sale, exchange, or other 6963
disposition of equity or ownership interests in, or debt 6964
obligations of, the C corporation. 6965

(ii) Such gain or loss constitutes nonbusiness income. 6966

(6) "Available" means information is such that a person is 6967
able to learn of the information by the due date plus extensions, 6968
if any, for filing the return for the taxable year in which the 6969
trust recognizes the gain or loss. 6970

(CC) "Qualifying controlled group" has the same meaning as in 6971
section 5733.04 of the Revised Code. 6972

(DD) "Related member" has the same meaning as in section 6973
5733.042 of the Revised Code. 6974

(EE)(1) For the purposes of division (EE) of this section: 6975

(a) "Qualifying person" means any person other than a 6976
qualifying corporation. 6977

(b) "Qualifying corporation" means any person classified for 6978
federal income tax purposes as an association taxable as a 6979
corporation, except either of the following: 6980

(i) A corporation that has made an election under subchapter 6981
S, chapter one, subtitle A, of the Internal Revenue Code for its 6982
taxable year ending within, or on the last day of, the investor's 6983
taxable year; 6984

(ii) A subsidiary that is wholly owned by any corporation 6985
that has made an election under subchapter S, chapter one, 6986
subtitle A of the Internal Revenue Code for its taxable year 6987
ending within, or on the last day of, the investor's taxable year. 6988

(2) For the purposes of this chapter, unless expressly stated 6989
otherwise, no qualifying person indirectly owns any asset directly 6990

or indirectly owned by any qualifying corporation. 6991

(FF) For purposes of this chapter and Chapter 5751. of the 6992
Revised Code: 6993

(1) "Trust" does not include a qualified pre-income tax 6994
trust. 6995

(2) A "qualified pre-income tax trust" is any pre-income tax 6996
trust that makes a qualifying pre-income tax trust election as 6997
described in division (FF)(3) of this section. 6998

(3) A "qualifying pre-income tax trust election" is an 6999
election by a pre-income tax trust to subject to the tax imposed 7000
by section 5751.02 of the Revised Code the pre-income tax trust 7001
and all pass-through entities of which the trust owns or controls, 7002
directly, indirectly, or constructively through related interests, 7003
five per cent or more of the ownership or equity interests. The 7004
trustee shall notify the tax commissioner in writing of the 7005
election on or before April 15, 2006. The election, if timely 7006
made, shall be effective on and after January 1, 2006, and shall 7007
apply for all tax periods and tax years until revoked by the 7008
trustee of the trust. 7009

(4) A "pre-income tax trust" is a trust that satisfies all of 7010
the following requirements: 7011

(a) The document or instrument creating the trust was 7012
executed by the grantor before January 1, 1972; 7013

(b) The trust became irrevocable upon the creation of the 7014
trust; and 7015

(c) The grantor was domiciled in this state at the time the 7016
trust was created. 7017

Sec. 5747.02. (A) For the purpose of providing revenue for 7018
the support of schools and local government functions, to provide 7019
relief to property taxpayers, to provide revenue for the general 7020

revenue fund, and to meet the expenses of administering the tax 7021
levied by this chapter, there is hereby levied on every 7022
individual, trust, and estate residing in or earning or receiving 7023
income in this state, on every individual, trust, and estate 7024
earning or receiving lottery winnings, prizes, or awards pursuant 7025
to Chapter 3770. of the Revised Code, on every individual, trust, 7026
and estate earning or receiving winnings on casino gaming, and on 7027
every individual, trust, and estate otherwise having nexus with or 7028
in this state under the Constitution of the United States, an 7029
annual tax measured in the case of individuals by Ohio adjusted 7030
gross income less an exemption for the taxpayer, the taxpayer's 7031
spouse, and each dependent as provided in section 5747.025 of the 7032
Revised Code; measured in the case of trusts by modified Ohio 7033
taxable income under division (D) of this section; and measured in 7034
the case of estates by Ohio taxable income. The tax imposed by 7035
this section on the balance thus obtained is hereby levied as 7036
follows: 7037

(1) For taxable years beginning in 2004: 7038

OHIO ADJUSTED GROSS INCOME LESS 7039

EXEMPTIONS (INDIVIDUALS)

OR 7040

MODIFIED OHIO 7041

TAXABLE INCOME (TRUSTS) 7042

OR 7043

OHIO TAXABLE INCOME (ESTATES) TAX 7044

\$5,000 or less .743% 7045

More than \$5,000 but not more \$37.15 plus 1.486% of the amount 7046
than \$10,000 in excess of \$5,000

More than \$10,000 but not more \$111.45 plus 2.972% of the 7047
than \$15,000 amount in excess of \$10,000

More than \$15,000 but not more \$260.05 plus 3.715% of the 7048
than \$20,000 amount in excess of \$15,000

More than \$20,000 but not more than \$40,000	\$445.80 plus 4.457% of the amount in excess of \$20,000	7049
More than \$40,000 but not more than \$80,000	\$1,337.20 plus 5.201% of the amount in excess of \$40,000	7050
More than \$80,000 but not more than \$100,000	\$3,417.60 plus 5.943% of the amount in excess of \$80,000	7051
More than \$100,000 but not more than \$200,000	\$4,606.20 plus 6.9% of the amount in excess of \$100,000	7052
More than \$200,000	\$11,506.20 plus 7.5% of the amount in excess of \$200,000	7053
(2) For taxable years beginning in 2005:		7054
OHIO ADJUSTED GROSS INCOME LESS		7055
EXEMPTIONS (INDIVIDUALS)		
OR		7056
MODIFIED OHIO		7057
TAXABLE INCOME (TRUSTS)		7058
OR		7059
OHIO TAXABLE INCOME (ESTATES)	TAX	7060
\$5,000 or less	.712%	7061
More than \$5,000 but not more than \$10,000	\$35.60 plus 1.424% of the amount in excess of \$5,000	7062
More than \$10,000 but not more than \$15,000	\$106.80 plus 2.847% of the amount in excess of \$10,000	7063
More than \$15,000 but not more than \$20,000	\$249.15 plus 3.559% of the amount in excess of \$15,000	7064
More than \$20,000 but not more than \$40,000	\$427.10 plus 4.27% of the amount in excess of \$20,000	7065
More than \$40,000 but not more than \$80,000	\$1,281.10 plus 4.983% of the amount in excess of \$40,000	7066
More than \$80,000 but not more than \$100,000	\$3,274.30 plus 5.693% of the amount in excess of \$80,000	7067
More than \$100,000 but not more than \$200,000	\$4,412.90 plus 6.61% of the amount in excess of \$100,000	7068

More than \$200,000	\$11,022.90 plus 7.185% of the amount in excess of \$200,000	7069
(3) For taxable years beginning in 2006:		7070
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		7071
OR		7072
MODIFIED OHIO		7073
TAXABLE INCOME (TRUSTS)		7074
OR		7075
OHIO TAXABLE INCOME (ESTATES)	TAX	7076
\$5,000 or less	.681%	7077
More than \$5,000 but not more than \$10,000	\$34.05 plus 1.361% of the amount in excess of \$5,000	7078
More than \$10,000 but not more than \$15,000	\$102.10 plus 2.722% of the amount in excess of \$10,000	7079
More than \$15,000 but not more than \$20,000	\$238.20 plus 3.403% of the amount in excess of \$15,000	7080
More than \$20,000 but not more than \$40,000	\$408.35 plus 4.083% of the amount in excess of \$20,000	7081
More than \$40,000 but not more than \$80,000	\$1,224.95 plus 4.764% of the amount in excess of \$40,000	7082
More than \$80,000 but not more than \$100,000	\$3,130.55 plus 5.444% of the amount in excess of \$80,000	7083
More than \$100,000 but not more than \$200,000	\$4,219.35 plus 6.32% of the amount in excess of \$100,000	7084
More than \$200,000	\$10,539.35 plus 6.87% of the amount in excess of \$200,000	7085
(4) For taxable years beginning in 2007:		7086
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		7087
OR		7088
MODIFIED OHIO		7089

TAXABLE INCOME (TRUSTS)		7090
OR		7091
OHIO TAXABLE INCOME (ESTATES)	TAX	7092
\$5,000 or less	.649%	7093
More than \$5,000 but not more than \$10,000	\$32.45 plus 1.299% of the amount in excess of \$5,000	7094
More than \$10,000 but not more than \$15,000	\$97.40 plus 2.598% of the amount in excess of \$10,000	7095
More than \$15,000 but not more than \$20,000	\$227.30 plus 3.247% of the amount in excess of \$15,000	7096
More than \$20,000 but not more than \$40,000	\$389.65 plus 3.895% of the amount in excess of \$20,000	7097
More than \$40,000 but not more than \$80,000	\$1,168.65 plus 4.546% of the amount in excess of \$40,000	7098
More than \$80,000 but not more than \$100,000	\$2,987.05 plus 5.194% of the amount in excess of \$80,000	7099
More than \$100,000 but not more than \$200,000	\$4,025.85 plus 6.031% of the amount in excess of \$100,000	7100
More than \$200,000	\$10,056.85 plus 6.555% of the amount in excess of \$200,000	7101
(5) For taxable years beginning in 2008, 2009, or 2010:		7102
OHIO ADJUSTED GROSS INCOME LESS		7103
EXEMPTIONS (INDIVIDUALS)		
OR		7104
MODIFIED OHIO		7105
TAXABLE INCOME (TRUSTS)		7106
OR		7107
OHIO TAXABLE INCOME (ESTATES)	TAX	7108
\$5,000 or less	.618%	7109
More than \$5,000 but not more than \$10,000	\$30.90 plus 1.236% of the amount in excess of \$5,000	7110
More than \$10,000 but not more than \$15,000	\$92.70 plus 2.473% of the amount in excess of \$10,000	7111

More than \$15,000 but not more than \$20,000	\$216.35 plus 3.091% of the amount in excess of \$15,000	7112
More than \$20,000 but not more than \$40,000	\$370.90 plus 3.708% of the amount in excess of \$20,000	7113
More than \$40,000 but not more than \$80,000	\$1,112.50 plus 4.327% of the amount in excess of \$40,000	7114
More than \$80,000 but not more than \$100,000	\$2,843.30 plus 4.945% of the amount in excess of \$80,000	7115
More than \$100,000 but not more than \$200,000	\$3,832.30 plus 5.741% of the amount in excess of \$100,000	7116
More than \$200,000	\$9,573.30 plus 6.24% of the amount in excess of \$200,000	7117
(6) For taxable years beginning in 2011 or thereafter:		7118
OHIO ADJUSTED GROSS INCOME LESS		7119
EXEMPTIONS (INDIVIDUALS)		
OR		7120
MODIFIED OHIO		7121
TAXABLE INCOME (TRUSTS)		7122
OR		7123
OHIO TAXABLE INCOME (ESTATES)	TAX	7124
\$5,000 or less	.587%	7125
More than \$5,000 but not more than \$10,000	\$29.35 plus 1.174% of the amount in excess of \$5,000	7126
More than \$10,000 but not more than \$15,000	\$88.05 plus 2.348% of the amount in excess of \$10,000	7127
More than \$15,000 but not more than \$20,000	\$205.45 plus 2.935% of the amount in excess of \$15,000	7128
More than \$20,000 but not more than \$40,000	\$352.20 plus 3.521% of the amount in excess of \$20,000	7129
More than \$40,000 but not more than \$80,000	\$1,056.40 plus 4.109% of the amount in excess of \$40,000	7130
More than \$80,000 but not more than \$100,000	\$2,700.00 plus 4.695% of the amount in excess of \$80,000	7131

More than \$100,000 but not more	\$3,639.00 plus 5.451% of the	7132
than \$200,000	amount in excess of \$100,000	
More than \$200,000	\$9,090.00 plus 5.925% of the	7133
	amount in excess of \$200,000	

In July of each year, beginning in 2010, the tax commissioner shall adjust the income amounts prescribed in this division by multiplying the percentage increase in the gross domestic product deflator computed that year under section 5747.025 of the Revised Code by each of the income amounts resulting from the adjustment under this division in the preceding year, adding the resulting product to the corresponding income amount resulting from the adjustment in the preceding year, and rounding the resulting sum to the nearest multiple of fifty dollars. The tax commissioner also shall recompute each of the tax dollar amounts to the extent necessary to reflect the adjustment of the income amounts. The rates of taxation shall not be adjusted.

The adjusted amounts apply to taxable years beginning in the calendar year in which the adjustments are made. The tax commissioner shall not make such adjustments in any year in which the amount resulting from the adjustment would be less than the amount resulting from the adjustment in the preceding year.

(B) If the director of budget and management makes a certification to the tax commissioner under division (B) of section 131.44 of the Revised Code, the amount of tax as determined under division (A) of this section shall be reduced by the percentage prescribed in that certification for taxable years beginning in the calendar year in which that certification is made.

(C) The levy of this tax on income does not prevent a municipal corporation, a joint economic development zone created under section 715.691, or a joint economic development district created under section 715.70 or 715.71 or sections 715.72 to

715.81 of the Revised Code from levying a tax on income. 7162

(D) This division applies only to taxable years of a trust 7163
beginning in 2002 or thereafter. 7164

(1) The tax imposed by this section on a trust shall be 7165
computed by multiplying the Ohio modified taxable income of the 7166
trust by the rates prescribed by division (A) of this section. 7167

(2) A nonresident trust may claim a credit against the tax 7168
computed under division (D) of this section equal to the lesser of 7169
(1) the tax paid to another state or the District of Columbia on 7170
the nonresident trust's modified nonbusiness income, other than 7171
the portion of the nonresident trust's nonbusiness income that is 7172
qualifying investment income as defined in section 5747.012 of the 7173
Revised Code, or (2) the effective tax rate, based on modified 7174
Ohio taxable income, multiplied by the nonresident trust's 7175
modified nonbusiness income other than the portion of the 7176
nonresident trust's nonbusiness income that is qualifying 7177
investment income. The credit applies before any other applicable 7178
credits. 7179

(3) The credits enumerated in divisions (A)(1) to (13) of 7180
section 5747.98 of the Revised Code do not apply to a trust 7181
subject to division (D) of this section. Any credits enumerated in 7182
other divisions of section 5747.98 of the Revised Code apply to a 7183
trust subject to division (D) of this section. To the extent that 7184
the trust distributes income for the taxable year for which a 7185
credit is available to the trust, the credit shall be shared by 7186
the trust and its beneficiaries. The tax commissioner and the 7187
trust shall be guided by applicable regulations of the United 7188
States treasury regarding the sharing of credits. 7189

(E) For the purposes of this section, "trust" means any trust 7190
described in Subchapter J of Chapter 1 of the Internal Revenue 7191
Code, excluding trusts that are not irrevocable as defined in 7192

division (I)(3)(b) of section 5747.01 of the Revised Code and that 7193
have no modified Ohio taxable income for the taxable year, 7194
charitable remainder trusts, qualified funeral trusts and preneed 7195
funeral contract trusts established pursuant to sections 4717.31 7196
to 4717.38 of the Revised Code that are not qualified funeral 7197
trusts, endowment and perpetual care trusts, qualified settlement 7198
trusts and funds, designated settlement trusts and funds, and 7199
trusts exempted from taxation under section 501(a) of the Internal 7200
Revenue Code. 7201

Sec. 5753.01. As used in Chapter 5753. of the Revised Code 7202
and for no other purpose under Title LVII of the Revised Code: 7203

(A) "Casino facility" has the same meaning as in section 7204
3772.01 of the Revised Code. 7205

(B) "Casino gaming" has the same meaning as in section 7206
3772.01 of the Revised Code. 7207

(C) "Casino operator" has the same meaning as in section 7208
3772.01 of the Revised Code. 7209

(D) "Gross casino revenue" means the total amount of money 7210
exchanged for the purchase of chips, tokens, tickets, electronic 7211
cards, or similar objects by casino patrons, less winnings paid to 7212
wagerers. For the purposes of this division, "money" includes the 7213
dollar value of any discount, credit, or other form of 7214
consideration received by patrons for patronage. 7215

(E) "Person" has the same meaning as in section 3772.01 of 7216
the Revised Code. 7217

(F) "Slot machine" has the same meaning as in section 3772.01 7218
of the Revised Code. 7219

(G) "Table game" has the same meaning as in section 3772.01 7220
of the Revised Code. 7221

(H) "Tax period" means, as the case may be, either (1) the 7222

day before a return is filed or (2) the days beginning with the 7223
day on which the previous return was filed through the day before 7224
the day on which the current return is filed. 7225

Sec. 5753.02. For the purpose of funding the needs of cities, 7226
counties, public school districts, law enforcement, and the horse 7227
racing industry; funding efforts to alleviate problem gambling and 7228
substance abuse; defraying Ohio casino control commission 7229
operating costs; and defraying the costs of administering the tax, 7230
a tax is levied on the gross casino revenue received by a casino 7231
operator of a casino facility at the rate of thirty-three per cent 7232
of the casino operator's gross casino revenue at the casino 7233
facility. The tax is in addition to any other taxes or fees 7234
imposed under the Revised Code or other law and for which the 7235
casino operator is liable under Section 6(C)(2) of Article XV, 7236
Ohio Constitution. 7237

Sec. 5753.03. (A) For the purpose of receiving and 7238
distributing, and accounting for, revenue received from the tax 7239
levied by section 5753.02 of the Revised Code, the following funds 7240
are created in the state treasury: 7241

- (1) The casino tax revenue fund; 7242
- (2) The gross casino revenue county fund; 7243
- (3) The gross casino revenue county student fund; 7244
- (4) The gross casino revenue host city fund; 7245
- (5) The Ohio state racing commission fund; 7246
- (6) The Ohio law enforcement training fund; 7247
- (7) The problem casino gambling and addictions fund; 7248
- (8) The casino control commission fund; 7249
- (9) The casino tax administration fund. 7250

(B) The director of budget and management shall transfer all moneys collected from the tax levied under this chapter to the casino tax revenue fund. 7251
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(C) From the casino tax revenue fund the director of budget and management shall transfer as needed to the tax refund fund amounts equal to the refunds certified by the tax commissioner under section 5753.06 of the Revised Code. 7254
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(D) After making any transfers required by division (C) of this section, but not later than the fifteenth day of each calendar month, the director of budget and management shall transfer the balance of the casino tax revenue fund as it existed at the close of business on the last day of the preceding month into funds as follows: 7258
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(1) Fifty-one per cent to the gross casino revenue county fund to make payments to all eighty-eight counties in proportion to each county's respective population; 7264
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(2) Thirty-four per cent to the gross casino revenue county student fund to make payments to all eighty-eight counties in proportion to each county's public school district student population; 7267
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(3) Five per cent to the gross casino revenue host city fund for the benefit of the cities in which casino facilities are located; 7271
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(4) Three per cent to the Ohio state racing commission fund to support horse racing in this state at which the pari-mutuel system of wagering is conducted; 7274
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(5) Two per cent to the Ohio law enforcement training fund to support law enforcement functions in the state; 7277
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(6) Two per cent to the Ohio problem gambling and substance abuse fund to support efforts to alleviate problem gambling and 7279
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substance abuse in the state; 7281

(7) Three per cent to the casino control commission fund to 7282
support the operations of the Ohio casino control commission and 7283
to defray the cost of administering the tax levied under section 7284
5753.02 of the Revised Code. 7285

The director of budget and management shall make payments to 7286
counties under divisions (D)(1) and (2) of this section using 7287
annualized data possessed by the tax commissioner. The tax 7288
commissioner shall make the data available to the director of 7289
budget and management for this purpose. 7290

Revenues credited under division (D)(2) of this section shall 7291
be paid over to the public school districts located in whole or in 7292
part in the county. 7293

Of the money credited to the law enforcement training fund, 7294
the director of budget and management shall distribute eighty-five 7295
per cent of the money to the Ohio peace officer training academy 7296
and fifteen per cent of the money to the division of criminal 7297
justice services. 7298

(E) The director of budget and management shall transfer one 7299
per cent of the money credited to the casino control commission 7300
fund to the casino tax administration fund. The tax commissioner 7301
shall use the casino tax administration fund to defray the costs 7302
incurred in administering the tax levied by section 5753.02 of the 7303
Revised Code. 7304

Sec. 5753.04. Daily each day banks are open for business, not 7305
later than noon, a casino operator shall file a return 7306
electronically with the tax commissioner. The return shall be in 7307
the form required by the tax commissioner, and shall reflect the 7308
relevant tax period. The return shall include, but is not limited 7309
to, the amount of the casino operator's gross casino revenue for 7310

the tax period and the amount of tax due under section 5753.02 of 7311
the Revised Code for the tax period. The casino operator shall 7312
remit electronically with the return the tax due. 7313

If the casino operator ceases to be a taxpayer at any time, 7314
the casino operator shall indicate the last date for which the 7315
casino operator was liable for the tax. The return shall include a 7316
space for this purpose. 7317

Sec. 5753.05. (A)(1) A casino operator who fails to file a 7318
return or to remit the tax due as required by section 5753.04 of 7319
the Revised Code shall pay a penalty equal to the greater of five 7320
hundred dollars or ten per cent of the tax due. 7321

(2) If the tax commissioner finds additional tax to be due, 7322
the tax commissioner may impose an additional penalty of up to 7323
fifteen per cent of the additional excise tax found to be due. A 7324
delinquent payment of tax made as the result of a notice or an 7325
audit is subject to the additional penalty imposed by this 7326
division. 7327

(3) If a casino operator fails to file a return 7328
electronically or to remit the tax electronically, the tax 7329
commissioner may impose an additional penalty of fifty dollars or 7330
ten per cent of the tax due as shown on the return, whichever is 7331
greater. 7332

(B) If the tax due under section 5753.02 of the Revised Code 7333
is not timely paid, the casino operator shall pay interest at the 7334
rate per annum prescribed in section 5703.47 of the Revised Code 7335
beginning on the day the tax was due through the day the tax is 7336
paid or an assessment is issued, whichever occurs first. 7337

(C) The tax commissioner shall collect any penalty or 7338
interest as if it were the tax levied by section 5753.02 of the 7339
Revised Code. Penalties and interest shall be treated as if they 7340

were revenue arising from the tax levied by section 5753.02 of the Revised Code. 7341
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(D) The tax commissioner may abate all or a portion of any penalty imposed under this section and may adopt rules governing abatements. 7343
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(E) If a casino operator fails to file a return or remit the tax due as required by section 5753.04 of the Revised Code within a period of one year after the due date for filing the return or remitting the tax, the Ohio casino control commission may suspend the casino operator's license. 7346
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Sec. 5753.06. (A) A casino operator may apply to the tax commissioner for refund of the amount of taxes under section 5753.02 of the Revised Code that were overpaid, paid illegally or erroneously, or paid on an illegal or erroneous assessment. The application shall be on a form prescribed by the tax commissioner. The casino operator shall provide the amount of the requested refund along with the claimed reasons for, and documentation to support, the issuance of a refund. The casino operator shall file the application with the tax commissioner within four years after the date the payment was made, unless the applicant has waived the time limitation under division (D) of section 5753.07 of the Revised Code. In the latter event, the four-year limitation is extended for the same period of time as the waiver. 7351
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(B) Upon the filing of a refund application, the tax commissioner shall determine the amount of refund to which the applicant is entitled. If the amount is not less than that claimed, the tax commissioner shall certify the amount to the director of budget and management and treasurer of state for payment from the tax refund fund. If the amount is less than that claimed, the tax commissioner shall proceed under section 5703.70 of the Revised Code. 7364
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(C) Interest on a refund applied for under this section, 7372
computed at the rate provided for in section 5703.47 of the 7373
Revised Code, shall be allowed from the later of the date the tax 7374
was due or the date payment of the tax was made. Except as 7375
provided in section 5753.07 of the Revised Code, the tax 7376
commissioner may, with the consent of the casino operator, provide 7377
for crediting against the tax due for a tax period, the amount of 7378
any refund due the casino operator for a preceding tax period. 7379

(D) Refunds under this section are subject to offset under 7380
section 5753.061 of the Revised Code. 7381

Sec. 5753.061. As used in this section, "debt to the state" 7382
means unpaid taxes that are due the state, unpaid workers' 7383
compensation premiums that are due, unpaid unemployment 7384
compensation contributions that are due, unpaid unemployment 7385
compensation payments in lieu of contributions that are due, 7386
unpaid fees payable to the state or to the clerk of courts under 7387
section 4505.06 of the Revised Code, incorrect medical assistance 7388
payments, or any unpaid charge, penalty, or interest arising from 7389
any of the foregoing. A debt to the state is not a "debt to the 7390
state" as used in this section unless the liability underlying the 7391
debt to the state has become incontestable because the time for 7392
appealing, reconsidering, reassessing, or otherwise questioning 7393
the liability has expired or the liability has been finally 7394
determined to be valid. 7395

If a casino operator who is entitled to a refund under 7396
section 5753.06 of the Revised Code owes a debt to the state, the 7397
amount refundable may be applied in satisfaction of the debt to 7398
the state. If the amount refundable is less than the amount of the 7399
debt to the state, the amount refundable may be applied in partial 7400
satisfaction of the debt. If the amount refundable is greater than 7401
the amount of the debt, the amount refundable remaining after 7402

satisfaction of the debt shall be refunded to the casino operator. 7403

Sec. 5753.07. (A)(1) The tax commissioner may issue an 7404
assessment, based on any information in the tax commissioner's 7405
possession, against a casino operator who fails to pay the tax 7406
levied under section 5753.02 of the Revised Code or to file a 7407
return under section 5753.04 of the Revised Code. The tax 7408
commissioner shall give the casino operator written notice of the 7409
assessment under section 5703.37 of the Revised Code. With the 7410
notice, the tax commissioner shall include instructions on how to 7411
petition for reassessment and on how to request a hearing with 7412
respect to the petition. 7413

(2) Unless the casino operator, within sixty days after 7414
service of the notice of assessment, files with the tax 7415
commissioner, either personally or by certified mail, a written 7416
petition signed by the casino operator, or by the casino 7417
operator's authorized agent who has knowledge of the facts, the 7418
assessment becomes final, and the amount of the assessment is due 7419
and payable from the casino operator to the treasurer of state. 7420
The petition shall indicate the casino operator's objections to 7421
the assessment. Additional objections may be raised in writing if 7422
they are received by the tax commissioner before the date shown on 7423
the final determination. 7424

(3) If a petition for reassessment has been properly filed, 7425
the tax commissioner shall proceed under section 5703.60 of the 7426
Revised Code. 7427

(4) After an assessment becomes final, if any portion of the 7428
assessment, including penalties and accrued interest, remains 7429
unpaid, the tax commissioner may file a certified copy of the 7430
entry making the assessment final in the office of the clerk of 7431
the court of common pleas of Franklin county or in the office of 7432
the clerk of the court of common pleas of the county in which the 7433

casino operator resides, the casino operator's casino facility is 7434
located, or the casino operator's principal place of business in 7435
this state is located. Immediately upon the filing of the entry, 7436
the clerk shall enter a judgment for the state against the 7437
taxpayer assessed in the amount shown on the entry. The judgment 7438
may be filed by the clerk in a loose-leaf book entitled, "special 7439
judgments for the gross casino revenue tax." The judgment has the 7440
same effect as other judgments. Execution shall issue upon the 7441
judgment at the request of the tax commissioner, and all laws 7442
applicable to sales on execution apply to sales made under the 7443
judgment. 7444

(5) The portion of an assessment not paid within sixty days 7445
after the day the assessment was issued bears interest at the rate 7446
per annum prescribed by section 5703.47 of the Revised Code from 7447
the day the tax commissioner issued the assessment until the 7448
assessment is paid. Interest shall be paid in the same manner as 7449
the tax levied under section 5753.02 of the Revised Code and may 7450
be collected by the issuance of an assessment under this section. 7451

(B) If the tax commissioner believes that collection of the 7452
tax levied under section 5753.02 of the Revised Code will be 7453
jeopardized unless proceedings to collect or secure collection of 7454
the tax are instituted without delay, the commissioner may issue a 7455
jeopardy assessment against the casino operator who is liable for 7456
the tax. Immediately upon the issuance of a jeopardy assessment, 7457
the tax commissioner shall file an entry with the clerk of the 7458
court of common pleas in the manner prescribed by division (A)(4) 7459
of this section, and the clerk shall proceed as directed in that 7460
division. Notice of the jeopardy assessment shall be served on the 7461
casino operator or the casino operator's authorized agent under 7462
section 5703.37 of the Revised Code within five days after the 7463
filing of the entry with the clerk. The total amount assessed is 7464
immediately due and payable, unless the casino operator assessed 7465

files a petition for reassessment under division (A)(2) of this 7466
section and provides security in a form satisfactory to the tax 7467
commissioner that is in an amount sufficient to satisfy the unpaid 7468
balance of the assessment. If a petition for reassessment has been 7469
filed, and if satisfactory security has been provided, the tax 7470
commissioner shall proceed under division (A)(3) of this section. 7471
Full or partial payment of the assessment does not prejudice the 7472
tax commissioner's consideration of the petition for reassessment. 7473

(C) The tax commissioner shall immediately forward to the 7474
treasurer of state all amounts the tax commissioner receives under 7475
this section, and the amounts forwarded shall be treated as if 7476
they were revenue arising from the tax levied under section 7477
5753.02 of the Revised Code. 7478

(D) Except as otherwise provided in this division, no 7479
assessment shall be issued against a casino operator for the tax 7480
levied under section 5753.02 of the Revised Code more than four 7481
years after the due date for filing the return for the tax period 7482
for which the tax was reported, or more than four years after the 7483
return for the tax period was filed, whichever is later. This 7484
division does not bar an assessment against a casino operator who 7485
fails to file a return as required by section 5753.04 of the 7486
Revised Code or who files a fraudulent return, or when the casino 7487
operator and the tax commissioner waive in writing the time 7488
limitation. 7489

(E) If the tax commissioner possesses information that 7490
indicates that the amount of tax a casino operator is liable to 7491
pay under section 5753.02 of the Revised Code exceeds the amount 7492
the casino operator paid, the tax commissioner may audit a sample 7493
of the casino operator's gross casino revenue over a 7494
representative period of time to ascertain the amount of tax due, 7495
and may issue an assessment based on the audit. The tax 7496
commissioner shall make a good faith effort to reach agreement 7497

with the casino operator in selecting a representative sample. The 7498
tax commissioner may apply a sampling method only if the tax 7499
commissioner has prescribed the method by rule. 7500

(F) If the whereabouts of a casino operator who is liable for 7501
the tax levied under section 5753.02 of the Revised Code are 7502
unknown to the tax commissioner, the tax commissioner shall 7503
proceed under section 5703.37 of the Revised Code. 7504

(G) If a casino operator fails to pay the tax levied under 7505
section 5753.02 of the Revised Code within a period of one year 7506
after the due date for remitting the tax, the Ohio casino control 7507
commission may suspend the casino operator's license. 7508

Sec. 5753.08. If a casino operator who is liable for the tax 7509
levied under section 5753.02 of the Revised Code sells the casino 7510
facility, disposes of the casino facility in any manner other than 7511
in the regular course of business, or quits the casino gaming 7512
business, any tax owed by that person becomes immediately due and 7513
payable, and the person shall pay the tax due, including any 7514
applicable penalties and interest. The person's successor shall 7515
withhold a sufficient amount of the purchase money to cover the 7516
amounts due and unpaid until the predecessor produces a receipt 7517
from the tax commissioner showing that the amounts due have been 7518
paid or a certificate indicating that no taxes are due. If the 7519
successor fails to withhold purchase money, the successor is 7520
personally liable, up to the purchase money amount, for amounts 7521
that were unpaid during the operation of the business by the 7522
predecessor. 7523

Sec. 5753.09. The tax commissioner shall administer and 7524
enforce this chapter. In addition to any other powers conferred 7525
upon the tax commissioner by law, the tax commissioner may: 7526

(A) Prescribe all forms that are required to be filed under 7527

this chapter; 7528

(B) Adopt rules that are necessary and proper to carry out 7529

this chapter; and 7530

(C) Appoint professional, technical, and clerical employees 7531

as are necessary to carry out the tax commissioner's duties under 7532

this chapter. 7533

Sec. 5753.10. The tax commissioner may prescribe requirements 7534

for the keeping of records and pertinent documents, for the filing 7535

of copies of federal income tax returns and determinations, and 7536

for computations reconciling federal income tax returns with the 7537

return required by section 5753.04 of the Revised Code. The tax 7538

commissioner may require a casino operator, by rule or by notice 7539

served on the casino operator, to keep records and other documents 7540

that the tax commissioner considers necessary to show the extent 7541

to which the casino operator is subject to this chapter. The 7542

records and other documents shall be open to inspection by the tax 7543

commissioner on demand, and shall be preserved for a period of 7544

four years unless the tax commissioner, in writing, consents to 7545

their destruction within that period, or by order served on the 7546

casino operator requires that they be kept longer. If the records 7547

are normally kept electronically by the casino operator, the 7548

casino operator shall provide the records to the tax commissioner 7549

electronically at the tax commissioner's request. 7550

7551

Any information required by the tax commissioner under this 7552

section is confidential under section 5703.21 of the Revised Code. 7553

Section 2. That existing sections 101.70, 102.02, 102.03, 7554

109.572, 109.71, 109.77, 109.79, 121.60, 126.45, 1705.48, 2915.01, 7555

2915.02, 2915.091, 3793.02, 4301.355, 4301.62, 4303.181, 4303.182, 7556

4303.30, 5502.03, 5703.052, 5703.19, 5703.21, 5703.70, 5747.01, 7557

and 5747.02 of the Revised Code are hereby repealed. 7558

Section 3. The first return filed under section 5753.04 of 7559
the Revised Code shall reflect the tax period consisting of or 7560
beginning on the day on which operations of the casino facility 7561
commence. 7562

Section 4. The General Assembly, applying the principle 7563
stated in division (B) of section 1.52 of the Revised Code that 7564
amendments are to be harmonized if reasonably capable of 7565
simultaneous operation, finds that the following sections, 7566
presented in this act as composites of the sections as amended by 7567
the acts indicated, are the resulting versions of the sections in 7568
effect before the effective date of the sections as presented in 7569
this act: 7570

Section 109.572 of the Revised Code as amended by both Am. 7571
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly. 7572

Section 109.77 of the Revised Code as amended by both Am. 7573
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly. 7574

Section 4301.62 of the Revised Code as amended by both Am. 7575
Sub. H.B. 562 and Sub. S.B. 150 of the 127th General Assembly. 7576