

**As Introduced**

**129th General Assembly  
Regular Session  
2011-2012**

**H. B. No. 165**

**Representatives Goodwin, Lundy**

—

**A B I L L**

To amend section 2915.01 and 2915.09 of the Revised 1  
Code to exclude property taxes and assessments 2  
from the calculation of net profit from the 3  
proceeds of the sale of instant bingo for 4  
veterans, fraternal, and sporting organizations 5  
and to clarify that no charitable organization is 6  
required to pay property taxes on a premises 7  
leased from another person to conduct bingo. 8

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

**Section 1.** That sections 2915.01 and 2915.09 of the Revised 9  
Code be amended to read as follows: 10

**Sec. 2915.01.** As used in this chapter: 11

(A) "Bookmaking" means the business of receiving or paying 12  
off bets. 13

(B) "Bet" means the hazarding of anything of value upon the 14  
result of an event, undertaking, or contingency, but does not 15  
include a bona fide business risk. 16

(C) "Scheme of chance" means a slot machine, lottery, numbers 17  
game, pool conducted for profit, or other scheme in which a 18  
participant gives a valuable consideration for a chance to win a 19

prize, but does not include bingo, a skill-based amusement machine, or a pool not conducted for profit.

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

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

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

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

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

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

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

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

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

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

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

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

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

(H) Except as otherwise provided in this chapter, "charitable organization" means any tax exempt religious, educational, veteran's, fraternal, sporting, service, nonprofit medical, volunteer rescue service, volunteer firefighter's, senior citizen's, historic railroad educational, youth athletic, amateur athletic, or youth athletic park organization. An organization is tax exempt if the organization is, and has received from the internal revenue service a determination letter that currently is in effect stating that the organization is, exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code, or if the organization is a sporting organization that is exempt from federal income taxation under subsection 501(a) and is described in subsection 501(c)(7) of the Internal Revenue Code. To qualify as a charitable organization, an organization, except a volunteer rescue service or volunteer firefighter's organization, shall have been in continuous existence as such in this state for a period of two years immediately preceding either the making of an application for a bingo license under section 2915.08 of the Revised Code or the conducting of any game of chance as provided in division (D) of section 2915.02 of the Revised Code. A charitable organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is created by a veteran's organization, a fraternal organization, or a sporting organization does not have

to have been in continuous existence as such in this state for a 81  
period of two years immediately preceding either the making of an 82  
application for a bingo license under section 2915.08 of the 83  
Revised Code or the conducting of any game of chance as provided 84  
in division (D) of section 2915.02 of the Revised Code. 85

(I) "Religious organization" means any church, body of 86  
communicants, or group that is not organized or operated for 87  
profit and that gathers in common membership for regular worship 88  
and religious observances. 89

(J) "Educational organization" means any organization within 90  
this state that is not organized for profit, the primary purpose 91  
of which is to educate and develop the capabilities of individuals 92  
through instruction by means of operating or contributing to the 93  
support of a school, academy, college, or university. 94

(K) "Veteran's organization" means any individual post or 95  
state headquarters of a national veteran's association or an 96  
auxiliary unit of any individual post of a national veteran's 97  
association, which post, state headquarters, or auxiliary unit is 98  
incorporated as a nonprofit corporation and either has received a 99  
letter from the state headquarters of the national veteran's 100  
association indicating that the individual post or auxiliary unit 101  
is in good standing with the national veteran's association or has 102  
received a letter from the national veteran's association 103  
indicating that the state headquarters is in good standing with 104  
the national veteran's association. As used in this division, 105  
"national veteran's association" means any veteran's association 106  
that has been in continuous existence as such for a period of at 107  
least five years and either is incorporated by an act of the 108  
United States congress or has a national dues-paying membership of 109  
at least five thousand persons. 110

(L) "Volunteer firefighter's organization" means any 111  
organization of volunteer firefighters, as defined in section 112

146.01 of the Revised Code, that is organized and operated 113  
exclusively to provide financial support for a volunteer fire 114  
department or a volunteer fire company and that is recognized or 115  
ratified by a county, municipal corporation, or township. 116

(M) "Fraternal organization" means any society, order, state 117  
headquarters, or association within this state, except a college 118  
or high school fraternity, that is not organized for profit, that 119  
is a branch, lodge, or chapter of a national or state 120  
organization, that exists exclusively for the common business or 121  
sodality of its members. 122

(N) "Volunteer rescue service organization" means any 123  
organization of volunteers organized to function as an emergency 124  
medical service organization, as defined in section 4765.01 of the 125  
Revised Code. 126

(O) "Service organization" means either of the following: 127

(1) Any organization, not organized for profit, that is 128  
organized and operated exclusively to provide, or to contribute to 129  
the support of organizations or institutions organized and 130  
operated exclusively to provide, medical and therapeutic services 131  
for persons who are crippled, born with birth defects, or have any 132  
other mental or physical defect or those organized and operated 133  
exclusively to protect, or to contribute to the support of 134  
organizations or institutions organized and operated exclusively 135  
to protect, animals from inhumane treatment or provide immediate 136  
shelter to victims of domestic violence; 137

(2) Any organization that is described in subsection 138  
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 139  
and is either a governmental unit or an organization that is tax 140  
exempt under subsection 501(a) and described in subsection 141  
501(c)(3) of the Internal Revenue Code and that is an 142  
organization, not organized for profit, that is organized and 143

operated primarily to provide, or to contribute to the support of 144  
organizations or institutions organized and operated primarily to 145  
provide, medical and therapeutic services for persons who are 146  
crippled, born with birth defects, or have any other mental or 147  
physical defect. 148

(P) "Nonprofit medical organization" means either of the 149  
following: 150

(1) Any organization that has been incorporated as a 151  
nonprofit corporation for at least five years and that has 152  
continuously operated and will be operated exclusively to provide, 153  
or to contribute to the support of organizations or institutions 154  
organized and operated exclusively to provide, hospital, medical, 155  
research, or therapeutic services for the public; 156

(2) Any organization that is described and qualified under 157  
subsection 501(c)(3) of the Internal Revenue Code, that has been 158  
incorporated as a nonprofit corporation for at least five years, 159  
and that has continuously operated and will be operated primarily 160  
to provide, or to contribute to the support of organizations or 161  
institutions organized and operated primarily to provide, 162  
hospital, medical, research, or therapeutic services for the 163  
public. 164

(Q) "Senior citizen's organization" means any private 165  
organization, not organized for profit, that is organized and 166  
operated exclusively to provide recreational or social services 167  
for persons who are fifty-five years of age or older and that is 168  
described and qualified under subsection 501(c)(3) of the Internal 169  
Revenue Code. 170

(R) "Charitable bingo game" means any bingo game described in 171  
division (S)(1) or (2) of this section that is conducted by a 172  
charitable organization that has obtained a license pursuant to 173  
section 2915.08 of the Revised Code and the proceeds of which are 174

used for a charitable purpose.	175
(S) "Bingo" means either of the following:	176
(1) A game with all of the following characteristics:	177
(a) The participants use bingo cards or sheets, including paper formats and electronic representation or image formats, that are divided into twenty-five spaces arranged in five horizontal and five vertical rows of spaces, with each space, except the central space, being designated by a combination of a letter and a number and with the central space being designated as a free space.	178 179 180 181 182 183 184
(b) The participants cover the spaces on the bingo cards or sheets that correspond to combinations of letters and numbers that are announced by a bingo game operator.	185 186 187
(c) A bingo game operator announces combinations of letters and numbers that appear on objects that a bingo game operator selects by chance, either manually or mechanically, from a receptacle that contains seventy-five objects at the beginning of each game, each object marked by a different combination of a letter and a number that corresponds to one of the seventy-five possible combinations of a letter and a number that can appear on the bingo cards or sheets.	188 189 190 191 192 193 194 195
(d) The winner of the bingo game includes any participant who properly announces during the interval between the announcements of letters and numbers as described in division (S)(1)(c) of this section, that a predetermined and preannounced pattern of spaces has been covered on a bingo card or sheet being used by the participant.	196 197 198 199 200 201
(2) Instant bingo, punch boards, and raffles.	202
(T) "Conduct" means to back, promote, organize, manage, carry on, sponsor, or prepare for the operation of bingo or a game of	203 204

chance.	205
(U) "Bingo game operator" means any person, except security personnel, who performs work or labor at the site of bingo, including, but not limited to, collecting money from participants, handing out bingo cards or sheets or objects to cover spaces on bingo cards or sheets, selecting from a receptacle the objects that contain the combination of letters and numbers that appear on bingo cards or sheets, calling out the combinations of letters and numbers, distributing prizes, selling or redeeming instant bingo tickets or cards, supervising the operation of a punch board, selling raffle tickets, selecting raffle tickets from a receptacle and announcing the winning numbers in a raffle, and preparing, selling, and serving food or beverages.	206 207 208 209 210 211 212 213 214 215 216 217
(V) "Participant" means any person who plays bingo.	218
(W) "Bingo session" means a period that includes both of the following:	219 220
(1) Not to exceed five continuous hours for the conduct of one or more games described in division (S)(1) of this section, instant bingo, and seal cards;	221 222 223
(2) A period for the conduct of instant bingo and seal cards for not more than two hours before and not more than two hours after the period described in division (W)(1) of this section.	224 225 226
(X) "Gross receipts" means all money or assets, including admission fees, that a person receives from bingo without the deduction of any amounts for prizes paid out or for the expenses of conducting bingo. "Gross receipts" does not include any money directly taken in from the sale of food or beverages by a charitable organization conducting bingo, or by a bona fide auxiliary unit or society of a charitable organization conducting bingo, provided all of the following apply:	227 228 229 230 231 232 233 234
(1) The auxiliary unit or society has been in existence as a	235



bona fide auxiliary unit or society of the charitable organization 236  
for at least two years prior to conducting bingo. 237

(2) The person who purchases the food or beverage receives 238  
nothing of value except the food or beverage and items customarily 239  
received with the purchase of that food or beverage. 240

(3) The food and beverages are sold at customary and 241  
reasonable prices. 242

(Y) "Security personnel" includes any person who either is a 243  
sheriff, deputy sheriff, marshal, deputy marshal, township 244  
constable, or member of an organized police department of a 245  
municipal corporation or has successfully completed a peace 246  
officer's training course pursuant to sections 109.71 to 109.79 of 247  
the Revised Code and who is hired to provide security for the 248  
premises on which bingo is conducted. 249

(Z) "Charitable purpose" means that the net profit of bingo, 250  
other than instant bingo, is used by, or is given, donated, or 251  
otherwise transferred to, any of the following: 252

(1) Any organization that is described in subsection 253  
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 254  
and is either a governmental unit or an organization that is tax 255  
exempt under subsection 501(a) and described in subsection 256  
501(c)(3) of the Internal Revenue Code; 257

(2) A veteran's organization that is a post, chapter, or 258  
organization of veterans, or an auxiliary unit or society of, or a 259  
trust or foundation for, any such post, chapter, or organization 260  
organized in the United States or any of its possessions, at least 261  
seventy-five per cent of the members of which are veterans and 262  
substantially all of the other members of which are individuals 263  
who are spouses, widows, or widowers of veterans, or such 264  
individuals, provided that no part of the net earnings of such 265  
post, chapter, or organization inures to the benefit of any 266

private shareholder or individual, and further provided that the net profit is used by the post, chapter, or organization for the charitable purposes set forth in division (B)(12) of section 5739.02 of the Revised Code, is used for awarding scholarships to or for attendance at an institution mentioned in division (B)(12) of section 5739.02 of the Revised Code, is donated to a governmental agency, or is used for nonprofit youth activities, the purchase of United States or Ohio flags that are donated to schools, youth groups, or other bona fide nonprofit organizations, promotion of patriotism, or disaster relief;

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

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

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

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

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

following:	298
(1) It owns, operates, and maintains playing fields that	299
satisfy both of the following:	300
(a) The playing fields are used at least one hundred days per	301
year for athletic activities by one or more organizations, not	302
organized for profit, each of which is organized and operated	303
exclusively to provide financial support to, or to operate,	304
athletic activities for persons who are eighteen years of age or	305
younger by means of sponsoring, organizing, operating, or	306
contributing to the support of an athletic team, club, league, or	307
association.	308
(b) The playing fields are not used for any profit-making	309
activity at any time during the year.	310
(2) It uses the proceeds of bingo it conducts exclusively for	311
the operation, maintenance, and improvement of its playing fields	312
of the type described in division (CC)(1) of this section.	313
(DD) "Amateur athletic organization" means any organization,	314
not organized for profit, that is organized and operated	315
exclusively to provide financial support to, or to operate,	316
athletic activities for persons who are training for amateur	317
athletic competition that is sanctioned by a national governing	318
body as defined in the "Amateur Sports Act of 1978," 90 Stat.	319
3045, 36 U.S.C.A. 373.	320
(EE) "Bingo supplies" means bingo cards or sheets; instant	321
bingo tickets or cards; electronic bingo aids; raffle tickets;	322
punch boards; seal cards; instant bingo ticket dispensers; and	323
devices for selecting or displaying the combination of bingo	324
letters and numbers or raffle tickets. Items that are "bingo	325
supplies" are not gambling devices if sold or otherwise provided,	326
and used, in accordance with this chapter. For purposes of this	327
chapter, "bingo supplies" are not to be considered equipment used	328

to conduct a bingo game. 329

(FF) "Instant bingo" means a form of bingo that uses folded 330  
or banded tickets or paper cards with perforated break-open tabs, 331  
a face of which is covered or otherwise hidden from view to 332  
conceal a number, letter, or symbol, or set of numbers, letters, 333  
or symbols, some of which have been designated in advance as prize 334  
winners. "Instant bingo" includes seal cards. "Instant bingo" does 335  
not include any device that is activated by the insertion of a 336  
coin, currency, token, or an equivalent, and that contains as one 337  
of its components a video display monitor that is capable of 338  
displaying numbers, letters, symbols, or characters in winning or 339  
losing combinations. 340

(GG) "Seal card" means a form of instant bingo that uses 341  
instant bingo tickets in conjunction with a board or placard that 342  
contains one or more seals that, when removed or opened, reveal 343  
predesignated winning numbers, letters, or symbols. 344

(HH) "Raffle" means a form of bingo in which the one or more 345  
prizes are won by one or more persons who have purchased a raffle 346  
ticket. The one or more winners of the raffle are determined by 347  
drawing a ticket stub or other detachable section from a 348  
receptacle containing ticket stubs or detachable sections 349  
corresponding to all tickets sold for the raffle. "Raffle" does 350  
not include the drawing of a ticket stub or other detachable 351  
section of a ticket purchased to attend a professional sporting 352  
event if both of the following apply: 353

(1) The ticket stub or other detachable section is used to 354  
select the winner of a free prize given away at the professional 355  
sporting event; and 356

(2) The cost of the ticket is the same as the cost of a 357  
ticket to the professional sporting event on days when no free 358  
prize is given away. 359

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

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

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

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

(1) The purchase or lease of bingo supplies;

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

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

(4) Audits and accounting services;

(5) Safes;

(6) Cash registers;

(7) Hiring security personnel;

(8) Advertising bingo;

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

(10) Tables and chairs;

(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;	389
(12) Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;	390 391
(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.	392 393 394 395
(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.	396 397 398
(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.	399 400 401 402
(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.	403 404 405 406
(PP) "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following:	407 408
(1) Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this state;	409 410 411
(2) Modifies, converts, adds to, or removes parts from the bingo supplies to further their promotion or sale for use in this state.	412 413 414
(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.	415 416 417 418

(RR) "Gross annual revenues" means the annual gross receipts 419  
derived from the conduct of bingo described in division (S)(1) of 420  
this section plus the annual net profit derived from the conduct 421  
of bingo described in division (S)(2) of this section. 422

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

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

(2) It performs no gaming functions. 429

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

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

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

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

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

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

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

(a) It provides a means for a participant to input numbers 448

and letters announced by a bingo caller. 449

(b) It compares the numbers and letters entered by the 450  
participant to the bingo faces previously stored in the memory of 451  
the device. 452

(c) It identifies a winning bingo pattern. 453

(2) "Electronic bingo aid" does not include any device into 454  
which a coin, currency, token, or an equivalent is inserted to 455  
activate play. 456

(UU) "Deal of instant bingo tickets" means a single game of 457  
instant bingo tickets all with the same serial number. 458

(VV)(1) "Slot machine" means either of the following: 459

(a) Any mechanical, electronic, video, or digital device that 460  
is capable of accepting anything of value, directly or indirectly, 461  
from or on behalf of a player who gives the thing of value in the 462  
hope of gain; 463

(b) Any mechanical, electronic, video, or digital device that 464  
is capable of accepting anything of value, directly or indirectly, 465  
from or on behalf of a player to conduct bingo or a scheme or game 466  
of chance. 467

(2) "Slot machine" does not include a skill-based amusement 468  
machine or an instant bingo ticket dispenser. 469

(WW) "Net profit from the proceeds of the sale of instant 470  
bingo" means gross profit minus the ordinary, necessary, and 471  
reasonable expense expended for the purchase of instant bingo 472  
supplies, and, for instant bingo conducted by a veterans, 473  
fraternal, or sporting organization, the payment by that 474  
organization of real property taxes and assessments levied on a 475  
premises on which instant bingo is conducted. 476

(XX) "Charitable instant bingo organization" means an 477  
organization that is exempt from federal income taxation under 478



subsection 501(a) and described in subsection 501(c)(3) of the 479  
Internal Revenue Code and is a charitable organization as defined 480  
in this section. A "charitable instant bingo organization" does 481  
not include a charitable organization that is exempt from federal 482  
income taxation under subsection 501(a) and described in 483  
subsection 501(c)(3) of the Internal Revenue Code and that is 484  
created by a veteran's organization, a fraternal organization, or 485  
a sporting organization in regards to bingo conducted or assisted 486  
by a veteran's organization, a fraternal organization, or a 487  
sporting organization pursuant to section 2915.13 of the Revised 488  
Code. 489

(YY) "Game flare" means the board or placard that accompanies 490  
each deal of instant bingo tickets and that has printed on or 491  
affixed to it the following information for the game: 492

(1) The name of the game; 493

(2) The manufacturer's name or distinctive logo; 494

(3) The form number; 495

(4) The ticket count; 496

(5) The prize structure, including the number of winning 497  
instant bingo tickets by denomination and the respective winning 498  
symbol or number combinations for the winning instant bingo 499  
tickets; 500

(6) The cost per play; 501

(7) The serial number of the game. 502

(ZZ) "Historic railroad educational organization" means an 503  
organization that is exempt from federal income taxation under 504  
subsection 501(a) and described in subsection 501(c)(3) of the 505  
Internal Revenue Code, that owns in fee simple the tracks and the 506  
right\_of\_way of a historic railroad that the organization restores 507  
or maintains and on which the organization provides excursions as 508

part of a program to promote tourism and educate visitors 509  
regarding the role of railroad transportation in Ohio history, and 510  
that received as donations from a charitable organization that 511  
holds a license to conduct bingo under this chapter an amount 512  
equal to at least fifty per cent of that licensed charitable 513  
organization's net proceeds from the conduct of bingo during each 514  
of the five years preceding June 30, 2003. "Historic railroad" 515  
means all or a portion of the tracks and right-of-way of a 516  
railroad that was owned and operated by a for-profit common 517  
carrier in this state at any time prior to January 1, 1950. 518

(AAA)(1) "Skill-based amusement machine" means a mechanical, 519  
video, digital, or electronic device that rewards the player or 520  
players, if at all, only with merchandise prizes or with 521  
redeemable vouchers redeemable only for merchandise prizes, 522  
provided that with respect to rewards for playing the game all of 523  
the following apply: 524

(a) The wholesale value of a merchandise prize awarded as a 525  
result of the single play of a machine does not exceed ten 526  
dollars; 527

(b) Redeemable vouchers awarded for any single play of a 528  
machine are not redeemable for a merchandise prize with a 529  
wholesale value of more than ten dollars; 530

(c) Redeemable vouchers are not redeemable for a merchandise 531  
prize that has a wholesale value of more than ten dollars times 532  
the fewest number of single plays necessary to accrue the 533  
redeemable vouchers required to obtain that prize; and 534

(d) Any redeemable vouchers or merchandise prizes are 535  
distributed at the site of the skill-based amusement machine at 536  
the time of play. 537

(2) A device shall not be considered a skill-based amusement 538  
machine and shall be considered a slot machine if it pays cash or 539

one or more of the following apply: 540

(a) The ability of a player to succeed at the game is 541  
impacted by the number or ratio of prior wins to prior losses of 542  
players playing the game. 543

(b) Any reward of redeemable vouchers is not based solely on 544  
the player achieving the object of the game or the player's score; 545

(c) The outcome of the game, or the value of the redeemable 546  
voucher or merchandise prize awarded for winning the game, can be 547  
controlled by a source other than any player playing the game. 548

(d) The success of any player is or may be determined by a 549  
chance event that cannot be altered by player actions. 550

(e) The ability of any player to succeed at the game is 551  
determined by game features not visible or known to the player. 552

(f) The ability of the player to succeed at the game is 553  
impacted by the exercise of a skill that no reasonable player 554  
could exercise. 555

(3) All of the following apply to any machine that is 556  
operated as described in division (AAA)(1) of this section: 557

(a) As used in this section, "game" and "play" mean one event 558  
from the initial activation of the machine until the results of 559  
play are determined without payment of additional consideration. 560  
An individual utilizing a machine that involves a single game, 561  
play, contest, competition, or tournament may be awarded 562  
redeemable vouchers or merchandise prizes based on the results of 563  
play. 564

(b) Advance play for a single game, play, contest, 565  
competition, or tournament participation may be purchased. The 566  
cost of the contest, competition, or tournament participation may 567  
be greater than a single noncontest, competition, or tournament 568  
play. 569

(c) To the extent that the machine is used in a contest, 570  
competition, or tournament, that contest, competition, or 571  
tournament has a defined starting and ending date and is open to 572  
participants in competition for scoring and ranking results toward 573  
the awarding of redeemable vouchers or merchandise prizes that are 574  
stated prior to the start of the contest, competition, or 575  
tournament. 576

(4) For purposes of division (AAA)(1) of this section, the 577  
mere presence of a device, such as a pin-setting, ball-releasing, 578  
or scoring mechanism, that does not contribute to or affect the 579  
outcome of the play of the game does not make the device a 580  
skill-based amusement machine. 581

(BBB) "Merchandise prize" means any item of value, but shall 582  
not include any of the following: 583

(1) Cash, gift cards, or any equivalent thereof; 584

(2) Plays on games of chance, state lottery tickets, bingo, 585  
or instant bingo; 586

(3) Firearms, tobacco, or alcoholic beverages; or 587

(4) A redeemable voucher that is redeemable for any of the 588  
items listed in division (BBB)(1), (2), or (3) of this section. 589

(CCC) "Redeemable voucher" means any ticket, token, coupon, 590  
receipt, or other noncash representation of value. 591

(DDD) "Pool not conducted for profit" means a scheme in which 592  
a participant gives a valuable consideration for a chance to win a 593  
prize and the total amount of consideration wagered is distributed 594  
to a participant or participants. 595

(EEE) "Sporting organization" means a hunting, fishing, or 596  
trapping organization, other than a college or high school 597  
fraternity or sorority, that is not organized for profit, that is 598  
affiliated with a state or national sporting organization, 599

including but not limited to, the Ohio league of sportsmen, and 600  
that has been in continuous existence in this state for a period 601  
of three years. 602

(FFF) "Community action agency" has the same meaning as in 603  
section 122.66 of the Revised Code. 604

**Sec. 2915.09.** (A) No charitable organization that conducts 605  
bingo shall fail to do any of the following: 606

(1) Own all of the equipment used to conduct bingo or lease 607  
that equipment from a charitable organization that is licensed to 608  
conduct bingo, or from the landlord of a premises where bingo is 609  
conducted, for a rental rate that is not more than is customary 610  
and reasonable for that equipment; 611

(2) Except as otherwise provided in division (A)(3) of this 612  
section, use all of the gross receipts from bingo for paying 613  
prizes, for reimbursement of expenses for or for renting premises 614  
in which to conduct a bingo session, for reimbursement of expenses 615  
for or for purchasing or leasing bingo supplies used in conducting 616  
bingo, for reimbursement of expenses for or for hiring security 617  
personnel, for reimbursement of expenses for or for advertising 618  
bingo, or for reimbursement of other expenses or for other 619  
expenses listed in division (LL) of section 2915.01 of the Revised 620  
Code, provided that the amount of the receipts so spent is not 621  
more than is customary and reasonable for a similar purchase, 622  
lease, hiring, advertising, or expense. If the building in which 623  
bingo is conducted is owned by the charitable organization 624  
conducting bingo and the bingo conducted includes a form of bingo 625  
described in division (S)(1) of section 2915.01 of the Revised 626  
Code, the charitable organization may deduct from the total amount 627  
of the gross receipts from each session a sum equal to the lesser 628  
of six hundred dollars or forty-five per cent of the gross 629  
receipts from the bingo described in that division as 630

consideration for the use of the premises. 631

(3) Use, or give, donate, or otherwise transfer, all of the 632  
net profit derived from bingo, other than instant bingo, for a 633  
charitable purpose listed in its license application and described 634  
in division (Z) of section 2915.01 of the Revised Code, or 635  
distribute all of the net profit from the proceeds of the sale of 636  
instant bingo as stated in its license application and in 637  
accordance with section 2915.101 of the Revised Code. 638

(B) No charitable organization that conducts a bingo game 639  
described in division (S)(1) of section 2915.01 of the Revised 640  
Code shall fail to do any of the following: 641

(1) Conduct the bingo game on premises that are owned by the 642  
charitable organization, on premises that are owned by another 643  
charitable organization and leased from that charitable 644  
organization for a rental rate not in excess of the lesser of six 645  
hundred dollars per bingo session or forty-five per cent of the 646  
gross receipts of the bingo session, on premises that are leased 647  
from a person other than a charitable organization for a rental 648  
rate that is not more than is customary and reasonable for 649  
premises that are similar in location, size, and quality but not 650  
in excess of four hundred fifty dollars per bingo session, or on 651  
premises that are owned by a person other than a charitable 652  
organization, that are leased from that person by another 653  
charitable organization, and that are subleased from that other 654  
charitable organization by the charitable organization for a 655  
rental rate not in excess of four hundred fifty dollars per bingo 656  
session. No charitable organization is required to pay property 657  
taxes or assessments on premises that the charitable organization 658  
leases from another person to conduct bingo. If the charitable 659  
organization leases from a person other than a charitable 660  
organization the premises on which it conducts bingo sessions, the 661  
lessor of the premises shall provide the premises to the 662

organization and shall not provide the organization with bingo 663  
game operators, security personnel, concessions or concession 664  
operators, bingo supplies, or any other type of service. A 665  
charitable organization shall not lease or sublease premises that 666  
it owns or leases to more than one other charitable organization 667  
per calendar week for the purpose of conducting bingo sessions on 668  
the premises. A person that is not a charitable organization shall 669  
not lease premises that it owns, leases, or otherwise is empowered 670  
to lease to more than three charitable organizations per calendar 671  
week for conducting bingo sessions on the premises. In no case 672  
shall more than nine bingo sessions be conducted on any premises 673  
in any calendar week. 674

(2) Display its license conspicuously at the premises where 675  
the bingo session is conducted; 676

(3) Conduct the bingo session in accordance with the 677  
definition of bingo set forth in division (S)(1) of section 678  
2915.01 of the Revised Code. 679

(C) No charitable organization that conducts a bingo game 680  
described in division (S)(1) of section 2915.01 of the Revised 681  
Code shall do any of the following: 682

(1) Pay any compensation to a bingo game operator for 683  
operating a bingo session that is conducted by the charitable 684  
organization or for preparing, selling, or serving food or 685  
beverages at the site of the bingo session, permit any auxiliary 686  
unit or society of the charitable organization to pay compensation 687  
to any bingo game operator who prepares, sells, or serves food or 688  
beverages at a bingo session conducted by the charitable 689  
organization, or permit any auxiliary unit or society of the 690  
charitable organization to prepare, sell, or serve food or 691  
beverages at a bingo session conducted by the charitable 692  
organization, if the auxiliary unit or society pays any 693  
compensation to the bingo game operators who prepare, sell, or 694

serve the food or beverages; 695

(2) Pay consulting fees to any person for any services 696  
performed in relation to the bingo session; 697

(3) Pay concession fees to any person who provides 698  
refreshments to the participants in the bingo session; 699

(4) Except as otherwise provided in division (C)(4) of this 700  
section, conduct more than three bingo sessions in any seven-day 701  
period. A volunteer firefighter's organization or a volunteer 702  
rescue service organization that conducts not more than five bingo 703  
sessions in a calendar year may conduct more than three bingo 704  
sessions in a seven-day period after notifying the attorney 705  
general when it will conduct the sessions. 706

(5) Pay out more than six thousand dollars in prizes for 707  
bingo games described in division (S)(1) of section 2915.01 of the 708  
Revised Code during any bingo session that is conducted by the 709  
charitable organization. "Prizes" does not include awards from the 710  
conduct of instant bingo. 711

(6) Conduct a bingo session at any time during the ten-hour 712  
period between midnight and ten a.m., at any time during, or 713  
within ten hours of, a bingo game conducted for amusement only 714  
pursuant to section 2915.12 of the Revised Code, at any premises 715  
not specified on its license, or on any day of the week or during 716  
any time period not specified on its license. Division (A)(6) of 717  
this section does not prohibit the sale of instant bingo tickets 718  
beginning at nine a.m. for a bingo session that begins at ten a.m. 719  
If circumstances make it impractical for the charitable 720  
organization to conduct a bingo session at the premises, or on the 721  
day of the week or at the time, specified on its license or if a 722  
charitable organization wants to conduct bingo sessions on a day 723  
of the week or at a time other than the day or time specified on 724  
its license, the charitable organization may apply in writing to 725



the attorney general for an amended license pursuant to division 726  
(F) of section 2915.08 of the Revised Code. A charitable 727  
organization may apply twice in each calendar year for an amended 728  
license to conduct bingo sessions on a day of the week or at a 729  
time other than the day or time specified on its license. If the 730  
amended license is granted, the organization may conduct bingo 731  
sessions at the premises, on the day of the week, and at the time 732  
specified on its amended license. 733

(7) Permit any person whom the charitable organization knows, 734  
or should have known, is under the age of eighteen to work as a 735  
bingo game operator; 736

(8) Permit any person whom the charitable organization knows, 737  
or should have known, has been convicted of a felony or gambling 738  
offense in any jurisdiction to be a bingo game operator; 739

(9) Permit the lessor of the premises on which the bingo 740  
session is conducted, if the lessor is not a charitable 741  
organization, to provide the charitable organization with bingo 742  
game operators, security personnel, concessions, bingo supplies, 743  
or any other type of service; 744

(10) Purchase or lease bingo supplies from any person except 745  
a distributor issued a license under section 2915.081 of the 746  
Revised Code; 747

(11)(a) Use or permit the use of electronic bingo aids except 748  
under the following circumstances: 749

(i) For any single participant, not more than ninety bingo 750  
faces can be played using an electronic bingo aid or aids. 751

(ii) The charitable organization shall provide a participant 752  
using an electronic bingo aid with corresponding paper bingo cards 753  
or sheets. 754

(iii) The total price of bingo faces played with an 755

electronic bingo aid shall be equal to the total price of the same 756  
number of bingo faces played with a paper bingo card or sheet sold 757  
at the same bingo session but without an electronic bingo aid. 758

(iv) An electronic bingo aid cannot be part of an electronic 759  
network other than a network that includes only bingo aids and 760  
devices that are located on the premises at which the bingo is 761  
being conducted or be interactive with any device not located on 762  
the premises at which the bingo is being conducted. 763

(v) An electronic bingo aid cannot be used to participate in 764  
bingo that is conducted at a location other than the location at 765  
which the bingo session is conducted and at which the electronic 766  
bingo aid is used. 767

(vi) An electronic bingo aid cannot be used to provide for 768  
the input of numbers and letters announced by a bingo caller other 769  
than the bingo caller who physically calls the numbers and letters 770  
at the location at which the bingo session is conducted and at 771  
which the electronic bingo aid is used. 772

(b) The attorney general may adopt rules in accordance with 773  
Chapter 119. of the Revised Code that govern the use of electronic 774  
bingo aids. The rules may include a requirement that an electronic 775  
bingo aid be capable of being audited by the attorney general to 776  
verify the number of bingo cards or sheets played during each 777  
bingo session. 778

(12) Permit any person the charitable organization knows, or 779  
should have known, to be under eighteen years of age to play bingo 780  
described in division (S)(1) of section 2915.01 of the Revised 781  
Code. 782

(D)(1) Except as otherwise provided in division (D)(3) of 783  
this section, no charitable organization shall provide to a bingo 784  
game operator, and no bingo game operator shall receive or accept, 785  
any commission, wage, salary, reward, tip, donation, gratuity, or 786

other form of compensation, directly or indirectly, regardless of 787  
the source, for conducting bingo or providing other work or labor 788  
at the site of bingo during a bingo session. 789

(2) Except as otherwise provided in division (D)(3) of this 790  
section, no charitable organization shall provide to a bingo game 791  
operator any commission, wage, salary, reward, tip, donation, 792  
gratuity, or other form of compensation, directly or indirectly, 793  
regardless of the source, for conducting instant bingo other than 794  
at a bingo session at the site of instant bingo other than at a 795  
bingo session. 796

(3) Nothing in division (D) of this section prohibits an 797  
employee of a fraternal organization, veteran's organization, or 798  
sporting organization from selling instant bingo tickets or cards 799  
to the organization's members or invited guests, as long as no 800  
portion of the employee's compensation is paid from any receipts 801  
of bingo. 802

(E) Notwithstanding division (B)(1) of this section, a 803  
charitable organization that, prior to December 6, 1977, has 804  
entered into written agreements for the lease of premises it owns 805  
to another charitable organization or other charitable 806  
organizations for the conducting of bingo sessions so that more 807  
than two bingo sessions are conducted per calendar week on the 808  
premises, and a person that is not a charitable organization and 809  
that, prior to December 6, 1977, has entered into written 810  
agreements for the lease of premises it owns to charitable 811  
organizations for the conducting of more than two bingo sessions 812  
per calendar week on the premises, may continue to lease the 813  
premises to those charitable organizations, provided that no more 814  
than four sessions are conducted per calendar week, that the 815  
lessor organization or person has notified the attorney general in 816  
writing of the organizations that will conduct the sessions and 817  
the days of the week and the times of the day on which the 818

sessions will be conducted, that the initial lease entered into 819  
with each organization that will conduct the sessions was filed 820  
with the attorney general prior to December 6, 1977, and that each 821  
organization that will conduct the sessions was issued a license 822  
to conduct bingo games by the attorney general prior to December 823  
6, 1977. 824

(F) This section does not prohibit a bingo licensed 825  
charitable organization or a game operator from giving any person 826  
an instant bingo ticket as a prize. 827

(G) Whoever violates division (A)(2) of this section is 828  
guilty of illegally conducting a bingo game, a felony of the 829  
fourth degree. Except as otherwise provided in this division, 830  
whoever violates division (A)(1) or (3), (B)(1), (2), or (3), 831  
(C)(1) to (12), or (D) of this section is guilty of a minor 832  
misdemeanor. If the offender previously has been convicted of a 833  
violation of division (A)(1) or (3), (B)(1), (2), or (3), (C)(1) 834  
to (11), or (D) of this section, a violation of division (A)(1) or 835  
(3), (B)(1), (2), or (3), (C), or (D) of this section is a 836  
misdemeanor of the first degree. Whoever violates division (C)(12) 837  
of this section is guilty of a misdemeanor of the first degree, if 838  
the offender previously has been convicted of a violation of 839  
division (C)(12) of this section, a felony of the fourth degree. 840

**Section 2.** That existing sections 2915.01 and 2915.09 of the 841  
Revised Code are hereby repealed. 842