

As Introduced

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

H. B. No. 195

Representatives Anielski, Baker

**Cosponsors: Representatives Murray, McKenney, Slaby, Grossman,
Blessing**

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A B I L L

To amend sections 2915.01, 2915.03, 2915.06,	1
2915.061, 2915.08, 2915.09, 3772.01, 3772.02,	2
3772.03, 3772.032, 3772.033, 3772.04, 3772.06,	3
3772.07, 3772.10, 3772.17, 3772.21, 3772.23,	4
3772.30, 3772.31, and 3772.99 and to enact	5
sections 2915.062, 2915.063, 2915.064, 3772.34,	6
and 3772.35 of the Revised Code to provide	7
licensing of skill-based amusement machine	8
operators and distributors and sweepstakes	9
terminal device operators and distributors and to	10
make changes to bingo and other gambling law.	11

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

Section 1. That sections 2915.01, 2915.03, 2915.06, 2915.061,	12
2915.08, 2915.09, 3772.01, 3772.02, 3772.03, 3772.032, 3772.033,	13
3772.04, 3772.06, 3772.07, 3772.10, 3772.17, 3772.21, 3772.23,	14
3772.30, 3772.31, and 3772.99 be amended and sections 2915.062,	15
2915.063, 2915.064, 3772.34, and 3772.35 of the Revised Code be	16
enacted to read as follows:	17

Sec. 2915.01. As used in this chapter:	18
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(A) "Bookmaking" means the business of receiving or paying
off bets.

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

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

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

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

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

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

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

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

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

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

(6) Skill-based amusement machines, slot machines, or
sweepstakes terminal devices used in violation of this chapter.

(G) "Gambling offense" means any of the following: 49

(1) A violation of section 2915.02, 2915.03, 2915.04, 50
2915.05, 2915.06, 2915.062, 2915.063, 2915.07, 2915.08, 2915.081, 51
2915.082, 2915.09, 2915.091, 2915.092, 2915.10, or 2915.11 of the 52
Revised Code; 53

(2) A violation of an existing or former municipal ordinance 54
or law of this or any other state or the United States 55
substantially equivalent to any section listed in division (G)(1) 56
of this section or a violation of section 2915.06 of the Revised 57
Code as it existed prior to July 1, 1996; 58

(3) An offense under an existing or former municipal 59
ordinance or law of this or any other state or the United States, 60
of which gambling is an element; 61

(4) A conspiracy or attempt to commit, or complicity in 62
committing, any offense under division (G)(1), (2), or (3) of this 63
section. 64

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

organization, an organization, except a volunteer rescue service 80
or volunteer firefighter's organization, shall have been in 81
continuous existence as such in this state for a period of two 82
years immediately preceding either the making of an application 83
for a bingo license under section 2915.08 of the Revised Code or 84
the conducting of any game of chance as provided in division (D) 85
of section 2915.02 of the Revised Code. A charitable organization 86
that is exempt from federal income taxation under subsection 87
501(a) and described in subsection 501(c)(3) of the Internal 88
Revenue Code and that is created by a veteran's organization, a 89
fraternal organization, or a sporting organization does not have 90
to have been in continuous existence as such in this state for a 91
period of two years immediately preceding either the making of an 92
application for a bingo license under section 2915.08 of the 93
Revised Code or the conducting of any game of chance as provided 94
in division (D) of section 2915.02 of the Revised Code. 95

(I) "Religious organization" means any church, body of 96
communicants, or group that is not organized or operated for 97
profit and that gathers in common membership for regular worship 98
and religious observances. 99

(J) "Educational organization" means any organization within 100
this state that is not organized for profit, the primary purpose 101
of which is to educate and develop the capabilities of individuals 102
through instruction by means of operating or contributing to the 103
support of a school, academy, college, or university. 104

(K) "Veteran's organization" means any individual post or 105
state headquarters of a national veteran's association or an 106
auxiliary unit of any individual post of a national veteran's 107
association, which post, state headquarters, or auxiliary unit is 108
incorporated as a nonprofit corporation and either has received a 109
letter from the state headquarters of the national veteran's 110
association indicating that the individual post or auxiliary unit 111

is in good standing with the national veteran's association or has 112
received a letter from the national veteran's association 113
indicating that the state headquarters is in good standing with 114
the national veteran's association. As used in this division, 115
"national veteran's association" means any veteran's association 116
that has been in continuous existence as such for a period of at 117
least five years and either is incorporated by an act of the 118
United States congress or has a national dues-paying membership of 119
at least five thousand persons. 120

(L) "Volunteer firefighter's organization" means any 121
organization of volunteer firefighters, as defined in section 122
146.01 of the Revised Code, that is organized and operated 123
exclusively to provide financial support for a volunteer fire 124
department or a volunteer fire company and that is recognized or 125
ratified by a county, municipal corporation, or township. 126

(M) "Fraternal organization" means any society, order, state 127
headquarters, or association within this state, except a college 128
or high school fraternity, that is not organized for profit, that 129
is a branch, lodge, or chapter of a national or state 130
organization, that exists exclusively for the common business or 131
sodality of its members. 132

(N) "Volunteer rescue service organization" means any 133
organization of volunteers organized to function as an emergency 134
medical service organization, as defined in section 4765.01 of the 135
Revised Code. 136

(O) "Service organization" means either of the following: 137

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

other mental or physical defect or those organized and operated 143
exclusively to protect, or to contribute to the support of 144
organizations or institutions organized and operated exclusively 145
to protect, animals from inhumane treatment or provide immediate 146
shelter to victims of domestic violence; 147

(2) Any organization that is described in subsection 148
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 149
and is either a governmental unit or an organization that is tax 150
exempt under subsection 501(a) and described in subsection 151
501(c)(3) of the Internal Revenue Code and that is an 152
organization, not organized for profit, that is organized and 153
operated primarily to provide, or to contribute to the support of 154
organizations or institutions organized and operated primarily to 155
provide, medical and therapeutic services for persons who are 156
crippled, born with birth defects, or have any other mental or 157
physical defect. 158

(P) "Nonprofit medical organization" means either of the 159
following: 160

(1) Any organization that has been incorporated as a 161
nonprofit corporation for at least five years and that has 162
continuously operated and will be operated exclusively to provide, 163
or to contribute to the support of organizations or institutions 164
organized and operated exclusively to provide, hospital, medical, 165
research, or therapeutic services for the public; 166

(2) Any organization that is described and qualified under 167
subsection 501(c)(3) of the Internal Revenue Code, that has been 168
incorporated as a nonprofit corporation for at least five years, 169
and that has continuously operated and will be operated primarily 170
to provide, or to contribute to the support of organizations or 171
institutions organized and operated primarily to provide, 172
hospital, medical, research, or therapeutic services for the 173
public. 174

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(X) "Gross receipts" means all money or assets, including 237
admission fees, that a person receives from bingo without the 238
deduction of any amounts for prizes paid out or for the expenses 239
of conducting bingo. "Gross receipts" does not include any money 240
directly taken in from the sale of food or beverages by a 241
charitable organization conducting bingo, or by a bona fide 242
auxiliary unit or society of a charitable organization conducting 243
bingo, provided all of the following apply: 244

(1) The auxiliary unit or society has been in existence as a 245
bona fide auxiliary unit or society of the charitable organization 246
for at least two years prior to conducting bingo. 247

(2) The person who purchases the food or beverage receives 248
nothing of value except the food or beverage and items customarily 249
received with the purchase of that food or beverage. 250

(3) The food and beverages are sold at customary and 251
reasonable prices. 252

(Y) "Security personnel" includes any person who either is a 253
sheriff, deputy sheriff, marshal, deputy marshal, township 254
constable, or member of an organized police department of a 255
municipal corporation or has successfully completed a peace 256
officer's training course pursuant to sections 109.71 to 109.79 of 257
the Revised Code and who is hired to provide security for the 258
premises on which bingo is conducted. 259

(Z) "Charitable purpose" means that the net profit of bingo, 260
other than instant bingo, is used by, or is given, donated, or 261
otherwise transferred to, any of the following: 262

(1) Any organization that is described in subsection 263
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 264
and is either a governmental unit or an organization that is tax 265
exempt under subsection 501(a) and described in subsection 266
501(c)(3) of the Internal Revenue Code; 267

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

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

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

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

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

not organized for profit, that is organized and operated 300
exclusively to provide financial support to, or to operate, 301
athletic activities for persons who are twenty-one years of age or 302
younger by means of sponsoring, organizing, operating, or 303
contributing to the support of an athletic team, club, league, or 304
association. 305

(CC) "Youth athletic park organization" means any 306
organization, not organized for profit, that satisfies both of the 307
following: 308

(1) It owns, operates, and maintains playing fields that 309
satisfy both of the following: 310

(a) The playing fields are used at least one hundred days per 311
year for athletic activities by one or more organizations, not 312
organized for profit, each of which is organized and operated 313
exclusively to provide financial support to, or to operate, 314
athletic activities for persons who are eighteen years of age or 315
younger by means of sponsoring, organizing, operating, or 316
contributing to the support of an athletic team, club, league, or 317
association. 318

(b) The playing fields are not used for any profit-making 319
activity at any time during the year. 320

(2) It uses the proceeds of bingo it conducts exclusively for 321
the operation, maintenance, and improvement of its playing fields 322
of the type described in division (CC)(1) of this section. 323

(DD) "Amateur athletic organization" means any organization, 324
not organized for profit, that is organized and operated 325
exclusively to provide financial support to, or to operate, 326
athletic activities for persons who are training for amateur 327
athletic competition that is sanctioned by a national governing 328
body as defined in the "Amateur Sports Act of 1978," 90 Stat. 329
3045, 36 U.S.C.A. 373. 330

(EE) "Bingo supplies" means bingo cards or sheets; instant 331
bingo tickets or cards; electronic bingo aids; raffle tickets; 332
punch boards; seal cards; instant bingo ticket dispensers; and 333
devices for selecting or displaying the combination of bingo 334
letters and numbers or raffle tickets. Items that are "bingo 335
supplies" are not gambling devices if sold or otherwise provided, 336
and used, in accordance with this chapter. For purposes of this 337
chapter, "bingo supplies" are not to be considered equipment used 338
to conduct a bingo game. 339

(FF) "Instant bingo" means a form of bingo that uses folded 340
or banded tickets or paper cards with perforated break-open tabs, 341
a face of which is covered or otherwise hidden from view to 342
conceal a number, letter, or symbol, or set of numbers, letters, 343
or symbols, some of which have been designated in advance as prize 344
winners. "Instant bingo" includes seal cards. "Instant bingo" does 345
not include any device that is activated by the insertion of a 346
coin, currency, token, or an equivalent, and that contains as one 347
of its components a video display monitor that is capable of 348
displaying numbers, letters, symbols, or characters in winning or 349
losing combinations. 350

(GG) "Seal card" means a form of instant bingo that uses 351
instant bingo tickets in conjunction with a board or placard that 352
contains one or more seals that, when removed or opened, reveal 353
predesignated winning numbers, letters, or symbols. 354

(HH) "Raffle" means a form of bingo in which the one or more 355
prizes are won by one or more persons who have purchased a raffle 356
ticket. The one or more winners of the raffle are determined by 357
drawing a ticket stub or other detachable section from a 358
receptacle containing ticket stubs or detachable sections 359
corresponding to all tickets sold for the raffle. "Raffle" does 360
not include the drawing of a ticket stub or other detachable 361
section of a ticket purchased to attend a professional sporting 362

event if both of the following apply:	363
(1) The ticket stub or other detachable section is used to	364
select the winner of a free prize given away at the professional	365
sporting event; and	366
(2) The cost of the ticket is the same as the cost of a	367
ticket to the professional sporting event on days when no free	368
prize is given away.	369
(II) "Punch board" means a board containing a number of holes	370
or receptacles of uniform size in which are placed, mechanically	371
and randomly, serially numbered slips of paper that may be punched	372
or drawn from the hole or receptacle when used in conjunction with	373
instant bingo. A player may punch or draw the numbered slips of	374
paper from the holes or receptacles and obtain the prize	375
established for the game if the number drawn corresponds to a	376
winning number or, if the punch board includes the use of a seal	377
card, a potential winning number.	378
(JJ) "Gross profit" means gross receipts minus the amount	379
actually expended for the payment of prize awards.	380
(KK) "Net profit" means gross profit minus expenses.	381
(LL) "Expenses" means the reasonable amount of gross profit	382
actually expended for all of the following:	383
(1) The purchase or lease of bingo supplies;	384
(2) The annual license fee required under section 2915.08 of	385
the Revised Code;	386
(3) Bank fees and service charges for a bingo session or game	387
account described in section 2915.10 of the Revised Code;	388
(4) Audits and accounting services;	389
(5) Safes;	390
(6) Cash registers;	391

(7) Hiring security personnel;	392
(8) Advertising bingo;	393
(9) Renting premises in which to conduct a bingo session;	394
(10) Tables and chairs;	395
(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;	396 397 398 399
(12) Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;	400 401
(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.	402 403 404 405
(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.	406 407 408
(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.	409 410 411 412
(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.	413 414 415 416
(PP) "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following:	417 418
(1) Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this state;	419 420 421

(2) Modifies, converts, adds to, or removes parts from the 422
bingo supplies to further their promotion or sale for use in this 423
state. 424

(QQ) "Manufacturer" means any person who assembles completed 425
bingo supplies from raw materials, other items, or subparts or who 426
modifies, converts, adds to, or removes parts from bingo supplies 427
to further their promotion or sale. 428

(RR) "Gross annual revenues" means the annual gross receipts 429
derived from the conduct of bingo described in division (S)(1) of 430
this section plus the annual net profit derived from the conduct 431
of bingo described in division (S)(2) of this section. 432

(SS) "Instant bingo ticket dispenser" means a mechanical 433
device that dispenses an instant bingo ticket or card as the sole 434
item of value dispensed and that has the following 435
characteristics: 436

(1) It is activated upon the insertion of United States 437
currency. 438

(2) It performs no gaming functions. 439

(3) It does not contain a video display monitor or generate 440
noise. 441

(4) It is not capable of displaying any numbers, letters, 442
symbols, or characters in winning or losing combinations. 443

(5) It does not simulate or display rolling or spinning 444
reels. 445

(6) It is incapable of determining whether a dispensed bingo 446
ticket or card is a winning or nonwinning ticket or card and 447
requires a winning ticket or card to be paid by a bingo game 448
operator. 449

(7) It may provide accounting and security features to aid in 450
accounting for the instant bingo tickets or cards it dispenses. 451

(8) It is not part of an electronic network and is not 452
interactive. 453

(TT)(1) "Electronic bingo aid" means an electronic device 454
used by a participant to monitor bingo cards or sheets purchased 455
at the time and place of a bingo session and that does all of the 456
following: 457

(a) It provides a means for a participant to input numbers 458
and letters announced by a bingo caller. 459

(b) It compares the numbers and letters entered by the 460
participant to the bingo faces previously stored in the memory of 461
the device. 462

(c) It identifies a winning bingo pattern. 463

(2) "Electronic bingo aid" does not include any device into 464
which a coin, currency, token, or an equivalent is inserted to 465
activate play. 466

(UU) "Deal of instant bingo tickets" means a single game of 467
instant bingo tickets all with the same serial number. 468

(VV)(1) "Slot machine" means either of the following: 469

(a) Any mechanical, electronic, video, or digital device that 470
is capable of accepting anything of value, directly or indirectly, 471
from or on behalf of a player who gives the thing of value in the 472
hope of gain; 473

(b) Any mechanical, electronic, video, or digital device that 474
is capable of accepting anything of value, directly or indirectly, 475
from or on behalf of a player to conduct bingo or a scheme or game 476
of chance. 477

(2) "Slot machine" does not include a skill-based amusement 478
machine or an instant bingo ticket dispenser. 479

(WW) "Net profit from the proceeds of the sale of instant 480
bingo" means gross profit minus the ordinary, necessary, and 481

reasonable expense expended for the purchase of instant bingo 482
supplies, and in the case of instant bingo conducted by a 483
veteran's, fraternal, or sporting organization, the payment by 484
that organization of real property taxes and assessments levied on 485
the premises in which instant bingo is conducted. 486

(XX) "Charitable instant bingo organization" means an 487
organization that is exempt from federal income taxation under 488
subsection 501(a) and described in subsection 501(c)(3) of the 489
Internal Revenue Code and is a charitable organization as defined 490
in this section. A "charitable instant bingo organization" does 491
not include a charitable organization that is exempt from federal 492
income taxation under subsection 501(a) and described in 493
subsection 501(c)(3) of the Internal Revenue Code and that is 494
created by a veteran's organization, a fraternal organization, or 495
a sporting organization in regards to bingo conducted or assisted 496
by a veteran's organization, a fraternal organization, or a 497
sporting organization pursuant to section 2915.13 of the Revised 498
Code. 499

(YY) "Game flare" means the board or placard that accompanies 500
each deal of instant bingo tickets and that has printed on or 501
affixed to it the following information for the game: 502

(1) The name of the game; 503

(2) The manufacturer's name or distinctive logo; 504

(3) The form number; 505

(4) The ticket count; 506

(5) The prize structure, including the number of winning 507
instant bingo tickets by denomination and the respective winning 508
symbol or number combinations for the winning instant bingo 509
tickets; 510

(6) The cost per play; 511

(7) The serial number of the game. 512

(ZZ) "Historic railroad educational organization" means an 513
organization that is exempt from federal income taxation under 514
subsection 501(a) and described in subsection 501(c)(3) of the 515
Internal Revenue Code, that owns in fee simple the tracks and the 516
right-of-way of a historic railroad that the organization restores 517
or maintains and on which the organization provides excursions as 518
part of a program to promote tourism and educate visitors 519
regarding the role of railroad transportation in Ohio history, and 520
that received as donations from a charitable organization that 521
holds a license to conduct bingo under this chapter an amount 522
equal to at least fifty per cent of that licensed charitable 523
organization's net proceeds from the conduct of bingo during each 524
of the five years preceding June 30, 2003. "Historic railroad" 525
means all or a portion of the tracks and right-of-way of a 526
railroad that was owned and operated by a for-profit common 527
carrier in this state at any time prior to January 1, 1950. 528

(AAA)(1) "Skill-based amusement machine" means a mechanical, 529
video, digital, or electronic device that rewards the player or 530
players, if at all, only with merchandise prizes or with 531
redeemable vouchers redeemable only for merchandise prizes, 532
provided that with respect to rewards for playing the game all of 533
the following apply: 534

(a) The wholesale value of a merchandise prize awarded as a 535
result of the single play of a machine does not exceed ten 536
dollars; 537

(b) Redeemable vouchers awarded for any single play of a 538
machine are not redeemable for a merchandise prize with a 539
wholesale value of more than ten dollars; 540

(c) Redeemable vouchers are not redeemable for a merchandise 541
prize that has a wholesale value of more than ten dollars times 542

the fewest number of single plays necessary to accrue the 543
redeemable vouchers required to obtain that prize; and 544

(d) Any redeemable vouchers or merchandise prizes are 545
distributed at the site of the skill-based amusement machine at 546
the time of play. 547

(2) A device shall not be considered a skill-based amusement 548
machine and shall be considered a slot machine if it pays cash or 549
one or more of the following apply: 550

(a) The ability of a player to succeed at the game is 551
impacted by the number or ratio of prior wins to prior losses of 552
players playing the game. 553

(b) Any reward of redeemable vouchers is not based solely on 554
the player achieving the object of the game or the player's score; 555

(c) The outcome of the game, or the value of the redeemable 556
voucher or merchandise prize awarded for winning the game, can be 557
controlled by a source other than any player playing the game. 558

(d) The success of any player is or may be determined by a 559
chance event that cannot be altered by player actions. 560

(e) The ability of any player to succeed at the game is 561
determined by game features not visible or known to the player. 562

(f) The ability of the player to succeed at the game is 563
impacted by the exercise of a skill that no reasonable player 564
could exercise. 565

(3) All of the following apply to any machine that is 566
operated as described in division (AAA)(1) of this section: 567

(a) As used in this section, "game" and "play" mean one event 568
from the initial activation of the machine until the results of 569
play are determined without payment of additional consideration. 570
An individual utilizing a machine that involves a single game, 571
play, contest, competition, or tournament may be awarded 572

redeemable vouchers or merchandise prizes based on the results of 573
play. 574

(b) Advance play for a single game, play, contest, 575
competition, or tournament participation may be purchased. The 576
cost of the contest, competition, or tournament participation may 577
be greater than a single noncontest, competition, or tournament 578
play. 579

(c) To the extent that the machine is used in a contest, 580
competition, or tournament, that contest, competition, or 581
tournament has a defined starting and ending date and is open to 582
participants in competition for scoring and ranking results toward 583
the awarding of redeemable vouchers or merchandise prizes that are 584
stated prior to the start of the contest, competition, or 585
tournament. 586

(4) For purposes of division (AAA)(1) of this section, the 587
mere presence of a device, such as a pin-setting, ball-releasing, 588
or scoring mechanism, that does not contribute to or affect the 589
outcome of the play of the game does not make the device a 590
skill-based amusement machine. 591

(BBB) "Merchandise prize" means any item of value, but shall 592
not include any of the following: 593

(1) Cash, gift cards, or any equivalent thereof; 594

(2) Plays on games of chance, state lottery tickets, bingo, 595
or instant bingo; 596

(3) Firearms, tobacco, or alcoholic beverages; or 597

(4) A redeemable voucher that is redeemable for any of the 598
items listed in division (BBB)(1), (2), or (3) of this section. 599

(CCC) "Redeemable voucher" means any ticket, token, coupon, 600
receipt, or other noncash representation of value. 601

(DDD) "Pool not conducted for profit" means a scheme in which 602

a participant gives a valuable consideration for a chance to win a prize and the total amount of consideration wagered is distributed to a participant or participants.

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

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

(GGG)(1) "Sweepstakes terminal device" means a mechanical, video, digital, or electronic machine or device, that is owned, leased, or otherwise possessed by any person conducting a sweepstakes, or by that person's partners, affiliates, subsidiaries, or contractors, that is intended to be used by a sweepstakes participant, and that is capable of displaying information on a screen or other mechanism. A device is a sweepstakes terminal device whether or not any of the following apply:

(a) The device is server-based.

(b) The device uses a simulated game terminal as a representation of the prizes associated with the results of the sweepstakes entries.

(c) The device utilizes software such that the simulated game influences or determines the winning of or value of the prize.

(d) The device selects prizes from a predetermined finite pool of entries.

(e) The device utilizes a mechanism that reveals the content

of a predetermined sweepstakes entry. 633

(f) The device predetermines the prize results and stores 634
those results for delivery at the time the sweepstakes entry 635
results are revealed. 636

(g) The device utilizes software to create a game result. 637

(h) The device requires deposit of any money, coin, or token, 638
or the use of any credit card, debit card, prepaid card, or any 639
other method of payment to activate the electronic machine or 640
device. 641

(i) The device requires direct payment into the device, or 642
remote activation of the device. 643

(j) The device requires purchase of a related product. 644

(k) Any related product of which purchase is required has 645
legitimate value. 646

(l) The device reveals the prize incrementally, even though 647
the device does not influence the awarding of prize or the value 648
of any prize awarded. 649

(m) The device determines and associates the prize with an 650
entry or entries at the time the sweepstakes is entered. 651

(n) The device is a slot machine or other form of electrical, 652
mechanical, or computer game. 653

(2) As used in this division: 654

(a) "Enter" or "entry" means the act or process by which a 655
person becomes eligible to receive any prize offered in a 656
sweepstakes. 657

(b) "Prize" means any gift, award, gratuity, good, service, 658
credit, reward, or any other thing of value, which may be 659
transferred to a person, whether possession of the prize is 660
actually transferred, or placed on an account or other record as 661

evidence of the intent to transfer the prize. 662

(c) "Sweepstakes" means any game, contest, advertising scheme 663
or plan, or other promotion, but does not include bingo, whether 664
or not consideration is required for a person to enter to win or 665
become eligible to receive any prize, the determination of which 666
is based upon chance. 667

Sec. 2915.03. (A) No person, being the owner or lessee, or 668
having custody, control, or supervision of premises, shall: 669

(1) Use or occupy such premises ~~for gambling~~ in violation of 670
section 2915.02, 2915.06, 2915.062, or 2915.063 of the Revised 671
Code; 672

(2) Recklessly permit such premises to be used or occupied 673
~~for gambling~~ in violation of section 2915.02, 2915.06, 2915.062, 674
or 2915.063 of the Revised Code. 675

(B) Whoever violates this section is guilty of operating a 676
gambling house, a misdemeanor of the first degree. If the offender 677
previously has been convicted of a gambling offense, operating a 678
gambling house is a felony of the fifth degree. 679

(C) Premises used or occupied in violation of this section 680
constitute a nuisance subject to abatement pursuant to sections 681
3767.01 to 3767.99 of the Revised Code. 682

Sec. 2915.06. (A) No person shall give to another person any 683
item described in division (BBB)(1), (2), (3), or (4) of section 684
2915.01 of the Revised Code in exchange for a noncash prize, toy, 685
or novelty received as a reward for playing or operating a 686
skill-based amusement machine or for a free or reduced-price game 687
won on a skill-based amusement machine. 688

(B) No person shall conduct a skill-based amusement machine 689
without first obtaining a license under Chapter 3772. of the 690

Revised Code. 691

(C) Whoever violates division (A) of this section is guilty 692
of skill-based amusement machine prohibited conduct. A violation 693
of division (A) of this section is a misdemeanor of the first 694
degree for each redemption of a prize that is involved in the 695
violation. If the offender previously has been convicted of a 696
violation of division (A) of this section, a violation of that 697
division is a felony of the fifth degree for each redemption of a 698
prize that is involved in the violation. The maximum fine 699
authorized to be imposed for a felony of the fifth degree shall be 700
imposed upon the offender. 701

(D) Whoever violates division (B) of this section is guilty 702
of conducting an illegal skill-based amusement machine, a felony 703
of the fourth degree. 704

Sec. 2915.061. Any regulation of skill-based amusement 705
machines shall be governed by this chapter and Chapter 3772. and 706
not by Chapter 1345. of the Revised Code. 707

Sec. 2915.062. (A) No person conducting a sweepstakes with 708
the use of a sweepstakes terminal device, including the entry 709
process or the reveal of a prize, shall do either of the 710
following: 711

(1) Give to another person any item or voucher redeemable for 712
any item described in division (BBB)(1), (2), (3), or (4) of 713
section 2915.01 of the Revised Code as a prize for playing or 714
participating in a sweepstakes; 715

(2) Conduct a sweepstakes through the use of a sweepstakes 716
terminal device without first obtaining a license under Chapter 717
3772. of the Revised Code. 718

(B) Whoever violates division (A)(1) or (2) of this section 719
is guilty of sweepstakes terminal device prohibited conduct. A 720

violation of division (A)(1) of this section is a misdemeanor of 721
the first degree for each redemption of a prize that is involved 722
in the violation. If the offender previously has been convicted of 723
a violation of division (A)(1) of this section, a violation of 724
that division is a felony of the fifth degree for each redemption 725
of a prize that is involved in the violation. The maximum fine 726
authorized to be imposed for a felony of the fifth degree shall be 727
imposed upon the offender. 728

(C) Whoever violates division (A)(2) of this section is 729
guilty of conducting an illegal sweepstakes, a felony of the 730
fourth degree. 731

Sec. 2915.063. (A) No person shall conduct a slot machine 732
without first obtaining a license pursuant to Chapter 3772. of the 733
Revised Code. 734

(B) Whoever violates this section is guilty of conducting 735
slot machine prohibited conduct. A violation of this section is a 736
felony of the fourth degree. 737

Sec. 2915.064. A legislative authority of a municipal 738
corporation or an unincorporated area of a township may adopt an 739
ordinance or resolution to prohibit the operation of sweepstakes 740
terminal devices. 741

Sec. 2915.08. (A)(1) Annually before the first day of 742
January, a charitable organization that desires to conduct bingo, 743
instant bingo at a bingo session, or instant bingo other than at a 744
bingo session shall make out, upon a form to be furnished by the 745
attorney general for that purpose, an application for a license to 746
conduct bingo, instant bingo at a bingo session, or instant bingo 747
other than at a bingo session and deliver that application to the 748
attorney general together with a license fee as follows: 749

(a) Except as otherwise provided in this division, for a 750
license for the conduct of bingo, two hundred dollars; 751

(b) For a license for the conduct of instant bingo at a bingo 752
session or instant bingo other than at a bingo session for a 753
charitable organization that previously has not been licensed 754
under this chapter to conduct instant bingo at a bingo session or 755
instant bingo other than at a bingo session, a license fee of five 756
hundred dollars, and for any other charitable organization, a 757
license fee that is based upon the gross profits received by the 758
charitable organization from the operation of instant bingo at a 759
bingo session or instant bingo other than at a bingo session, 760
during the one-year period ending on the thirty-first day of 761
October of the year immediately preceding the year for which the 762
license is sought, and that is one of the following: 763

(i) Five hundred dollars, if the total is fifty thousand 764
dollars or less; 765

(ii) One thousand two hundred fifty dollars plus one-fourth 766
per cent of the gross profit, if the total is more than fifty 767
thousand dollars but less than two hundred fifty thousand one 768
dollars; 769

(iii) Two thousand two hundred fifty dollars plus one-half 770
per cent of the gross profit, if the total is more than two 771
hundred fifty thousand dollars but less than five hundred thousand 772
one dollars; 773

(iv) Three thousand five hundred dollars plus one per cent of 774
the gross profit, if the total is more than five hundred thousand 775
dollars but less than one million one dollars; 776

(v) Five thousand dollars plus one per cent of the gross 777
profit, if the total is one million one dollars or more; 778

(c) A reduced license fee established by the attorney general 779
pursuant to division (G) of this section. 780

(d) For a license to conduct bingo for a charitable 781
organization that prior to ~~the effective date of this amendment~~ 782
July 1, 2003, has not been licensed under this chapter to conduct 783
bingo, instant bingo at a bingo session, or instant bingo other 784
than at a bingo session, a license fee established by rule by the 785
attorney general in accordance with division (H) of this section. 786

(2) The application shall be in the form prescribed by the 787
attorney general, shall be signed and sworn to by the applicant, 788
and shall contain all of the following: 789

(a) The name and post-office address of the applicant; 790

(b) A statement that the applicant is a charitable 791
organization and that it has been in continuous existence as a 792
charitable organization in this state for two years immediately 793
preceding the making of the application or for five years in the 794
case of a fraternal organization or a nonprofit medical 795
organization; 796

(c) The location at which the organization will conduct 797
bingo, which location shall be within the county in which the 798
principal place of business of the applicant is located, the days 799
of the week and the times on each of those days when bingo will be 800
conducted, whether the organization owns, leases, or subleases the 801
premises, and a copy of the rental agreement if it leases or 802
subleases the premises; 803

(d) A statement of the applicant's previous history, record, 804
and association that is sufficient to establish that the applicant 805
is a charitable organization, and a copy of a determination letter 806
that is issued by the Internal Revenue Service and states that the 807
organization is tax exempt under subsection 501(a) and described 808
in subsection 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 809
501(c)(10), or 501(c)(19) of the Internal Revenue Code; 810

(e) A statement as to whether the applicant has ever had any 811

previous application refused, whether it previously has had a 812
license revoked or suspended, and the reason stated by the 813
attorney general for the refusal, revocation, or suspension; 814

(f) A statement of the charitable purposes for which the net 815
profit derived from bingo, other than instant bingo, will be used, 816
and a statement of how the net profit derived from instant bingo 817
will be distributed in accordance with section 2915.101 of the 818
Revised Code; 819

(g) Other necessary and reasonable information that the 820
attorney general may require by rule adopted pursuant to section 821
111.15 of the Revised Code; 822

(h) If the applicant is a charitable trust as defined in 823
section 109.23 of the Revised Code, a statement as to whether it 824
has registered with the attorney general pursuant to section 825
109.26 of the Revised Code or filed annual reports pursuant to 826
section 109.31 of the Revised Code, and, if it is not required to 827
do either, the exemption in section 109.26 or 109.31 of the 828
Revised Code that applies to it; 829

(i) If the applicant is a charitable organization as defined 830
in section 1716.01 of the Revised Code, a statement as to whether 831
it has filed with the attorney general a registration statement 832
pursuant to section 1716.02 of the Revised Code and a financial 833
report pursuant to section 1716.04 of the Revised Code, and, if it 834
is not required to do both, the exemption in section 1716.03 of 835
the Revised Code that applies to it; 836

(j) In the case of an applicant seeking to qualify as a youth 837
athletic park organization, a statement issued by a board or body 838
vested with authority under Chapter 755. of the Revised Code for 839
the supervision and maintenance of recreation facilities in the 840
territory in which the organization is located, certifying that 841
the playing fields owned by the organization were used for at 842

least one hundred days during the year in which the statement is 843
issued, and were open for use to all residents of that territory, 844
regardless of race, color, creed, religion, sex, or national 845
origin, for athletic activities by youth athletic organizations 846
that do not discriminate on the basis of race, color, creed, 847
religion, sex, or national origin, and that the fields were not 848
used for any profit-making activity at any time during the year. 849
That type of board or body is authorized to issue the statement 850
upon request and shall issue the statement if it finds that the 851
applicant's playing fields were so used. 852

(3) The attorney general, within thirty days after receiving 853
a timely filed application from a charitable organization that has 854
been issued a license under this section that has not expired and 855
has not been revoked or suspended, shall send a temporary permit 856
to the applicant specifying the date on which the application was 857
filed with the attorney general and stating that, pursuant to 858
section 119.06 of the Revised Code, the applicant may continue to 859
conduct bingo until a new license is granted or, if the 860
application is rejected, until fifteen days after notice of the 861
rejection is mailed to the applicant. The temporary permit does 862
not affect the validity of the applicant's application and does 863
not grant any rights to the applicant except those rights 864
specifically granted in section 119.06 of the Revised Code. The 865
issuance of a temporary permit by the attorney general pursuant to 866
this division does not prohibit the attorney general from 867
rejecting the applicant's application because of acts that the 868
applicant committed, or actions that the applicant failed to take, 869
before or after the issuance of the temporary permit. 870

(4) Within thirty days after receiving an initial license 871
application from a charitable organization to conduct bingo, 872
instant bingo at a bingo session, or instant bingo other than at a 873
bingo session, the attorney general shall conduct a preliminary 874

review of the application and notify the applicant regarding any 875
deficiencies. Once an application is deemed complete, or beginning 876
on the thirtieth day after the application is filed, if the 877
attorney general failed to notify the applicant of any 878
deficiencies, the attorney general shall have an additional sixty 879
days to conduct an investigation and either grant or deny the 880
application based on findings established and communicated in 881
accordance with divisions (B) and (E) of this section. As an 882
option to granting or denying an initial license application, the 883
attorney general may grant a temporary license and request 884
additional time to conduct the investigation if the attorney 885
general has cause to believe that additional time is necessary to 886
complete the investigation and has notified the applicant in 887
writing about the specific concerns raised during the 888
investigation. 889

(B)(1) The attorney general shall adopt rules to enforce 890
sections 2915.01, 2915.02, and 2915.07 to 2915.13 of the Revised 891
Code to ensure that bingo or instant bingo is conducted in 892
accordance with those sections and to maintain proper control over 893
the conduct of bingo or instant bingo. The rules, except rules 894
adopted pursuant to divisions (A)(2)(g) and (G) of this section, 895
shall be adopted pursuant to Chapter 119. of the Revised Code. The 896
attorney general shall license charitable organizations to conduct 897
bingo, instant bingo at a bingo session, or instant bingo other 898
than at a bingo session in conformance with this chapter and with 899
the licensing provisions of Chapter 119. of the Revised Code. 900

(2) The attorney general may refuse to grant a license to any 901
organization, or revoke or suspend the license of any 902
organization, that does any of the following or to which any of 903
the following applies: 904

(a) Fails or has failed at any time to meet any requirement 905
of section 109.26, 109.31, or 1716.02, or sections 2915.07 to 906

2915.11 of the Revised Code, or violates or has violated any 907
provision of sections 2915.02 ~~or 2915.07~~ to 2915.13 of the Revised 908
Code or any rule adopted by the attorney general pursuant to this 909
section; 910

(b) Makes or has made an incorrect or false statement that is 911
material to the granting of the license in an application filed 912
pursuant to division (A) of this section; 913

(c) Submits or has submitted any incorrect or false 914
information relating to an application if the information is 915
material to the granting of the license; 916

(d) Maintains or has maintained any incorrect or false 917
information that is material to the granting of the license in the 918
records required to be kept pursuant to divisions (A) and (C) of 919
section 2915.10 of the Revised Code, if applicable; 920

(e) The attorney general has good cause to believe that the 921
organization will not conduct bingo, instant bingo at a bingo 922
session, or instant bingo other than at a bingo session in 923
accordance with sections 2915.07 to 2915.13 of the Revised Code or 924
with any rule adopted by the attorney general pursuant to this 925
section. 926

(3) For the purposes of division (B) of this section, any 927
action of an officer, trustee, agent, representative, or bingo 928
game operator of an organization is an action of the organization. 929

(C) The attorney general may grant licenses to charitable 930
organizations that are branches, lodges, or chapters of national 931
charitable organizations. 932

(D) The attorney general shall send notice in writing to the 933
prosecuting attorney and sheriff of the county in which the 934
organization will conduct bingo, instant bingo at a bingo session, 935
or instant bingo other than at a bingo session, as stated in its 936
application for a license or amended license, and to any other law 937

enforcement agency in that county that so requests, of all of the 938
following: 939

(1) The issuance of the license; 940

(2) The issuance of the amended license; 941

(3) The rejection of an application for and refusal to grant 942
a license; 943

(4) The revocation of any license previously issued; 944

(5) The suspension of any license previously issued. 945

(E) A license issued by the attorney general shall set forth 946
the information contained on the application of the charitable 947
organization that the attorney general determines is relevant, 948
including, but not limited to, the location at which the 949
organization will conduct bingo, instant bingo at a bingo session, 950
or instant bingo other than at a bingo session and the days of the 951
week and the times on each of those days when bingo will be 952
conducted. If the attorney general refuses to grant or revokes or 953
suspends a license, the attorney general shall notify the 954
applicant in writing and specifically identify the reason for the 955
refusal, revocation, or suspension in narrative form and, if 956
applicable, by identifying the section of the Revised Code 957
violated. The failure of the attorney general to give the written 958
notice of the reasons for the refusal, revocation, or suspension 959
or a mistake in the written notice does not affect the validity of 960
the attorney general's refusal to grant, or the revocation or 961
suspension of, a license. If the attorney general fails to give 962
the written notice or if there is a mistake in the written notice, 963
the applicant may bring an action to compel the attorney general 964
to comply with this division or to correct the mistake, but the 965
attorney general's order refusing to grant, or revoking or 966
suspending, a license shall not be enjoined during the pendency of 967
the action. 968

(F) A charitable organization that has been issued a license 969
pursuant to division (B) of this section but that cannot conduct 970
bingo or instant bingo at the location, or on the day of the week 971
or at the time, specified on the license due to circumstances that 972
make it impractical to do so may apply in writing, together with 973
an application fee of two hundred fifty dollars, to the attorney 974
general, at least thirty days prior to a change in location, day 975
of the week, or time, and request an amended license. The 976
application shall describe the causes making it impractical for 977
the organization to conduct bingo or instant bingo in conformity 978
with its license and shall indicate the location, days of the 979
week, and times on each of those days when it desires to conduct 980
bingo or instant bingo. Except as otherwise provided in this 981
division, the attorney general shall issue the amended license in 982
accordance with division (E) of this section, and the organization 983
shall surrender its original license to the attorney general. The 984
attorney general may refuse to grant an amended license according 985
to the terms of division (B) of this section. 986

(G) The attorney general, by rule adopted pursuant to section 987
111.15 of the Revised Code, shall establish a schedule of reduced 988
license fees for charitable organizations that desire to conduct 989
bingo or instant bingo during fewer than twenty-six weeks in any 990
calendar year. 991

(H) The attorney general, by rule adopted pursuant to section 992
111.15 of the Revised Code, shall establish license fees for the 993
conduct of bingo, instant bingo at a bingo session, or instant 994
bingo other than at a bingo session for charitable organizations 995
that prior to ~~the effective date of this amendment~~ July 1, 2003, 996
have not been licensed to conduct bingo, instant bingo at a bingo 997
session, or instant bingo other than at a bingo session under this 998
chapter. 999

(I) The attorney general may enter into a written contract 1000

with any other state agency to delegate to that state agency the 1001
powers prescribed to the attorney general under Chapter 2915. of 1002
the Revised Code. 1003

(J) The attorney general, by rule adopted pursuant to section 1004
111.15 of the Revised Code, may adopt rules to determine the 1005
requirements for a charitable organization that is exempt from 1006
federal income taxation under subsection 501(a) and described in 1007
subsection 501(c)(3) of the Internal Revenue Code to be in good 1008
standing in the state. 1009

Sec. 2915.09. (A) No charitable organization that conducts 1010
bingo shall fail to do any of the following: 1011

(1) Own all of the equipment used to conduct bingo or lease 1012
that equipment from a charitable organization that is licensed to 1013
conduct bingo, or from the landlord of a premises where bingo is 1014
conducted, for a rental rate that is not more than is customary 1015
and reasonable for that equipment; 1016

(2) Except as otherwise provided in division (A)(3) of this 1017
section, use all of the gross receipts from bingo for paying 1018
prizes, for reimbursement of expenses for or for renting premises 1019
in which to conduct a bingo session, for reimbursement of expenses 1020
for or for purchasing or leasing bingo supplies used in conducting 1021
bingo, for reimbursement of expenses for or for hiring security 1022
personnel, for reimbursement of expenses for or for advertising 1023
bingo, or for reimbursement of other expenses or for other 1024
expenses listed in division (LL) of section 2915.01 of the Revised 1025
Code, provided that the amount of the receipts so spent is not 1026
more than is customary and reasonable for a similar purchase, 1027
lease, hiring, advertising, or expense. If the building in which 1028
bingo is conducted is owned by the charitable organization 1029
conducting bingo and the bingo conducted includes a form of bingo 1030
described in division (S)(1) of section 2915.01 of the Revised 1031

Code, the charitable organization may deduct from the total amount 1032
of the gross receipts from each session a sum equal to the lesser 1033
of six hundred dollars or forty-five per cent of the gross 1034
receipts from the bingo described in that division as 1035
consideration for the use of the premises. 1036

(3) Use, or give, donate, or otherwise transfer, all of the 1037
net profit derived from bingo, other than instant bingo, for a 1038
charitable purpose listed in its license application and described 1039
in division (Z) of section 2915.01 of the Revised Code, or 1040
distribute all of the net profit from the proceeds of the sale of 1041
instant bingo as stated in its license application and in 1042
accordance with section 2915.101 of the Revised Code. 1043

(B) No charitable organization that conducts a bingo game 1044
described in division (S)(1) of section 2915.01 of the Revised 1045
Code shall fail to do any of the following: 1046

(1) Conduct the bingo game on premises that are owned by the 1047
charitable organization, on premises that are owned by another 1048
charitable organization and leased from that charitable 1049
organization for a rental rate not in excess of the lesser of six 1050
hundred dollars per bingo session or forty-five per cent of the 1051
gross receipts of the bingo session, on premises that are leased 1052
from a person other than a charitable organization for a rental 1053
rate that is not more than is customary and reasonable for 1054
premises that are similar in location, size, and quality but not 1055
in excess of four hundred fifty dollars per bingo session, or on 1056
premises that are owned by a person other than a charitable 1057
organization, that are leased from that person by another 1058
charitable organization, and that are subleased from that other 1059
charitable organization by the charitable organization for a 1060
rental rate not in excess of four hundred fifty dollars per bingo 1061
session. No charitable organization is required to pay property 1062
taxes or assessments on premises that the charitable organization 1063

leases from another person to conduct bingo. If the charitable 1064
organization leases from a person other than a charitable 1065
organization the premises on which it conducts bingo sessions, the 1066
lessor of the premises shall provide the premises to the 1067
organization and shall not provide the organization with bingo 1068
game operators, security personnel, concessions or concession 1069
operators, bingo supplies, or any other type of service. A 1070
charitable organization shall not lease or sublease premises that 1071
it owns or leases to more than one other charitable organization 1072
per calendar week for the purpose of conducting bingo sessions on 1073
the premises. A person that is not a charitable organization shall 1074
not lease premises that it owns, leases, or otherwise is empowered 1075
to lease to more than three charitable organizations per calendar 1076
week for conducting bingo sessions on the premises. In no case 1077
shall more than nine bingo sessions be conducted on any premises 1078
in any calendar week. 1079

(2) Display its license conspicuously at the premises where 1080
the bingo session is conducted; 1081

(3) Conduct the bingo session in accordance with the 1082
definition of bingo set forth in division (S)(1) of section 1083
2915.01 of the Revised Code. 1084

(C) No charitable organization that conducts a bingo game 1085
described in division (S)(1) of section 2915.01 of the Revised 1086
Code shall do any of the following: 1087

(1) Pay any compensation to a bingo game operator for 1088
operating a bingo session that is conducted by the charitable 1089
organization or for preparing, selling, or serving food or 1090
beverages at the site of the bingo session, permit any auxiliary 1091
unit or society of the charitable organization to pay compensation 1092
to any bingo game operator who prepares, sells, or serves food or 1093
beverages at a bingo session conducted by the charitable 1094
organization, or permit any auxiliary unit or society of the 1095

charitable organization to prepare, sell, or serve food or 1096
beverages at a bingo session conducted by the charitable 1097
organization, if the auxiliary unit or society pays any 1098
compensation to the bingo game operators who prepare, sell, or 1099
serve the food or beverages; 1100

(2) Pay consulting fees to any person for any services 1101
performed in relation to the bingo session; 1102

(3) Pay concession fees to any person who provides 1103
refreshments to the participants in the bingo session; 1104

(4) Except as otherwise provided in division (C)(4) of this 1105
section, conduct more than three bingo sessions in any seven-day 1106
period. A volunteer firefighter's organization or a volunteer 1107
rescue service organization that conducts not more than five bingo 1108
sessions in a calendar year may conduct more than three bingo 1109
sessions in a seven-day period after notifying the attorney 1110
general when it will conduct the sessions. 1111

(5) Pay out more than six thousand dollars in prizes for 1112
bingo games described in division (S)(1) of section 2915.01 of the 1113
Revised Code during any bingo session that is conducted by the 1114
charitable organization. "Prizes" does not include awards from the 1115
conduct of instant bingo. 1116

(6) Conduct a bingo session at any time during the ten-hour 1117
period between midnight and ten a.m., at any time during, or 1118
within ten hours of, a bingo game conducted for amusement only 1119
pursuant to section 2915.12 of the Revised Code, at any premises 1120
not specified on its license, or on any day of the week or during 1121
any time period not specified on its license. Division (A)(6) of 1122
this section does not prohibit the sale of instant bingo tickets 1123
beginning at nine a.m. for a bingo session that begins at ten a.m. 1124
If circumstances make it impractical for the charitable 1125
organization to conduct a bingo session at the premises, or on the 1126

day of the week or at the time, specified on its license or if a 1127
charitable organization wants to conduct bingo sessions on a day 1128
of the week or at a time other than the day or time specified on 1129
its license, the charitable organization may apply in writing to 1130
the attorney general for an amended license pursuant to division 1131
(F) of section 2915.08 of the Revised Code. A charitable 1132
organization may apply twice in each calendar year for an amended 1133
license to conduct bingo sessions on a day of the week or at a 1134
time other than the day or time specified on its license. If the 1135
amended license is granted, the organization may conduct bingo 1136
sessions at the premises, on the day of the week, and at the time 1137
specified on its amended license. 1138

(7) Permit any person whom the charitable organization knows, 1139
or should have known, is under the age of eighteen to work as a 1140
bingo game operator; 1141

(8) Permit any person whom the charitable organization knows, 1142
or should have known, has been convicted of a felony or gambling 1143
offense in any jurisdiction to be a bingo game operator; 1144

(9) Permit the lessor of the premises on which the bingo 1145
session is conducted, if the lessor is not a charitable 1146
organization, to provide the charitable organization with bingo 1147
game operators, security personnel, concessions, bingo supplies, 1148
or any other type of service; 1149

(10) Purchase or lease bingo supplies from any person except 1150
a distributor issued a license under section 2915.081 of the 1151
Revised Code; 1152

(11)(a) Use or permit the use of electronic bingo aids except 1153
under the following circumstances: 1154

(i) For any single participant, not more than ninety bingo 1155
faces can be played using an electronic bingo aid or aids. 1156

(ii) The charitable organization shall provide a participant 1157

using an electronic bingo aid with corresponding paper bingo cards 1158
or sheets. 1159

(iii) The total price of bingo faces played with an 1160
electronic bingo aid shall be equal to the total price of the same 1161
number of bingo faces played with a paper bingo card or sheet sold 1162
at the same bingo session but without an electronic bingo aid. 1163

(iv) An electronic bingo aid cannot be part of an electronic 1164
network other than a network that includes only bingo aids and 1165
devices that are located on the premises at which the bingo is 1166
being conducted or be interactive with any device not located on 1167
the premises at which the bingo is being conducted. 1168

(v) An electronic bingo aid cannot be used to participate in 1169
bingo that is conducted at a location other than the location at 1170
which the bingo session is conducted and at which the electronic 1171
bingo aid is used. 1172

(vi) An electronic bingo aid cannot be used to provide for 1173
the input of numbers and letters announced by a bingo caller other 1174
than the bingo caller who physically calls the numbers and letters 1175
at the location at which the bingo session is conducted and at 1176
which the electronic bingo aid is used. 1177

(b) The attorney general may adopt rules in accordance with 1178
Chapter 119. of the Revised Code that govern the use of electronic 1179
bingo aids. The rules may include a requirement that an electronic 1180
bingo aid be capable of being audited by the attorney general to 1181
verify the number of bingo cards or sheets played during each 1182
bingo session. 1183

(12) Permit any person the charitable organization knows, or 1184
should have known, to be under eighteen years of age to play bingo 1185
described in division (S)(1) of section 2915.01 of the Revised 1186
Code. 1187

(D)(1) Except as otherwise provided in division (D)(3) of 1188

this section, no charitable organization shall provide to a bingo 1189
game operator, and no bingo game operator shall receive or accept, 1190
any commission, wage, salary, reward, tip, donation, gratuity, or 1191
other form of compensation, directly or indirectly, regardless of 1192
the source, for conducting bingo or providing other work or labor 1193
at the site of bingo during a bingo session. 1194

(2) Except as otherwise provided in division (D)(3) of this 1195
section, no charitable organization shall provide to a bingo game 1196
operator any commission, wage, salary, reward, tip, donation, 1197
gratuity, or other form of compensation, directly or indirectly, 1198
regardless of the source, for conducting instant bingo other than 1199
at a bingo session at the site of instant bingo other than at a 1200
bingo session. 1201

(3) Nothing in division (D) of this section prohibits an 1202
employee of a fraternal organization, veteran's organization, or 1203
sporting organization from selling instant bingo tickets or cards 1204
to the organization's members or invited guests, as long as no 1205
portion of the employee's compensation is paid from any receipts 1206
of bingo. 1207

(E) Notwithstanding division (B)(1) of this section, a 1208
charitable organization that, prior to December 6, 1977, has 1209
entered into written agreements for the lease of premises it owns 1210
to another charitable organization or other charitable 1211
organizations for the conducting of bingo sessions so that more 1212
than two bingo sessions are conducted per calendar week on the 1213
premises, and a person that is not a charitable organization and 1214
that, prior to December 6, 1977, has entered into written 1215
agreements for the lease of premises it owns to charitable 1216
organizations for the conducting of more than two bingo sessions 1217
per calendar week on the premises, may continue to lease the 1218
premises to those charitable organizations, provided that no more 1219
than four sessions are conducted per calendar week, that the 1220

lessor organization or person has notified the attorney general in 1221
writing of the organizations that will conduct the sessions and 1222
the days of the week and the times of the day on which the 1223
sessions will be conducted, that the initial lease entered into 1224
with each organization that will conduct the sessions was filed 1225
with the attorney general prior to December 6, 1977, and that each 1226
organization that will conduct the sessions was issued a license 1227
to conduct bingo games by the attorney general prior to December 1228
6, 1977. 1229

(F) This section does not prohibit a bingo licensed 1230
charitable organization or a game operator from giving any person 1231
an instant bingo ticket as a prize. 1232

(G) Whoever violates division (A)(2) of this section is 1233
guilty of illegally conducting a bingo game, a felony of the 1234
fourth degree. Except as otherwise provided in this division, 1235
whoever violates division (A)(1) or (3), (B)(1), (2), or (3), 1236
(C)(1) to (12), or (D) of this section is guilty of a minor 1237
misdemeanor. If the offender previously has been convicted of a 1238
violation of division (A)(1) or (3), (B)(1), (2), or (3), (C)(1) 1239
to (11), or (D) of this section, a violation of division (A)(1) or 1240
(3), (B)(1), (2), or (3), (C), or (D) of this section is a 1241
misdemeanor of the first degree. Whoever violates division (C)(12) 1242
of this section is guilty of a misdemeanor of the first degree, if 1243
the offender previously has been convicted of a violation of 1244
division (C)(12) of this section, a felony of the fourth degree. 1245

Sec. 3772.01. As used in this chapter: 1246

(A) "Applicant" means any person who applies to the 1247
commission for a license under this chapter. 1248

(B) "Casino control commission fund" means the casino control 1249
commission fund described in Section 6(C)(3)(d) of Article XV, 1250
Ohio Constitution, the money in which shall be used to fund the 1251

commission and its related affairs. 1252

(C) "Casino facility" means a casino facility as defined in 1253
Section 6(C)(9) of Article XV, Ohio Constitution. 1254

(D) "Casino gaming" means any type of slot machine or table 1255
game wagering, using money, casino credit, or any representative 1256
of value, authorized in any of the states of Indiana, Michigan, 1257
Pennsylvania, and West Virginia as of January 1, 2009, and 1258
includes slot machine and table game wagering subsequently 1259
authorized by, but shall not be limited by, subsequent 1260
restrictions placed on such wagering in such states. "Casino 1261
gaming" does not include bingo, as authorized in Section 6 of 1262
Article XV, Ohio Constitution and conducted as of January 1, 2009, 1263
or horse racing where the pari-mutuel system of wagering is 1264
conducted, as authorized under the laws of this state as of 1265
January 1, 2009. 1266

(E) "Casino gaming employee" means any employee of a casino 1267
operator or management company, but not a key employee, and as 1268
further defined in section 3772.131 of the Revised Code. 1269

(F) "Casino operator" means any person, trust, corporation, 1270
partnership, limited partnership, association, limited liability 1271
company, or other business enterprise that directly or indirectly 1272
holds an ownership or leasehold interest in a casino facility. 1273
"Casino operator" does not include an agency of the state, any 1274
political subdivision of the state, any person, trust, 1275
corporation, partnership, limited partnership, association, 1276
limited liability company, or other business enterprise that may 1277
have an interest in a casino facility, but who is legally or 1278
contractually restricted from conducting casino gaming. 1279

(G) "Central system" means a computer system that provides 1280
the following functions related to casino gaming equipment used in 1281
connection with casino gaming authorized under this chapter: 1282

security, auditing, data and information retrieval, and other 1283
purposes deemed necessary and authorized by the commission. 1284

(H) "Commission" means the Ohio casino control commission. 1285

(I) "Conduct" means to back, promote, organize, manage, carry 1286
on, sponsor, or prepare for the operation of casino gaming, 1287
skill-based amusement machine operations, or sweepstakes terminal 1288
device operations. 1289

(J) "Gaming agent" means a peace officer employed by the 1290
commission that is vested with duties to enforce this chapter and 1291
conduct other investigations into the conduct of the casino gaming 1292
and the maintenance of the equipment that the commission considers 1293
necessary and proper and is in compliance with section 109.77 of 1294
the Revised Code. 1295

~~(J)~~(K) "Gaming-related vendor" means any individual, 1296
partnership, corporation, association, trust, or any other group 1297
of individuals, however organized, who supplies gaming-related 1298
equipment, goods, or services to a casino operator or management 1299
company, that are directly related to or affect casino gaming 1300
authorized under this chapter, including, but not limited to, the 1301
manufacture, sale, distribution, or repair of slot machines and 1302
table game equipment. 1303

~~(K)~~(L) "Holding company" means any corporation, firm, 1304
partnership, limited partnership, limited liability company, 1305
trust, or other form of business organization not a natural person 1306
which directly or indirectly owns, has the power or right to 1307
control, or holds with power to vote, any part of an applicant, 1308
casino operator, management company, or gaming-related vendor 1309
license. 1310

~~(L)~~(M) "Initial investment" includes costs related to 1311
demolition, engineering, architecture, design, site preparation, 1312
construction, infrastructure improvements, land acquisition, 1313

fixtures and equipment, insurance related to construction, and 1314
leasehold improvements. 1315

~~(M)~~(N) "Institutional investor" means any of the following 1316
entities owning one per cent or less, or a percentage between one 1317
and ten per cent as approved by the commission through a waiver on 1318
a case-by-case basis, ownership interest in a casino facility, 1319
casino operator, management company, or holding company: a 1320
corporation, bank, insurance company, pension fund or pension fund 1321
trust, retirement fund, including funds administered by a public 1322
agency, employees' profit-sharing fund or employees' 1323
profit-sharing trust, any association engaged, as a substantial 1324
part of its business or operations, in purchasing or holding 1325
securities, or any trust in respect of which a bank is trustee or 1326
cotrustee, investment company registered under the "Investment 1327
Company Act of 1940," 15 U.S.C. 80a-1 et seq., collective 1328
investment trust organized by banks under Part Nine of the Rules 1329
of the Comptroller of the Currency, closed-end investment trust, 1330
chartered or licensed life insurance company or property and 1331
casualty insurance company, investment advisor registered under 1332
the "Investment Advisors Act of 1940," 15 U.S.C. 80 b-1 et seq., 1333
and such other persons as the commission may reasonably determine 1334
to qualify as an institutional investor for reasons consistent 1335
with this chapter. 1336

~~(N)~~(O) "Key employee" means any executive, employee, or agent 1337
of a casino operator or management company licensee having the 1338
power to exercise significant influence over decisions concerning 1339
any part of the operation of such licensee, including: 1340

(1) An officer, director, trustee, or partner of a person 1341
that has applied for or holds a casino operator, management 1342
company, or gaming-related vendor license or of a holding company 1343
that has control of a person that has applied for or holds a 1344
casino operator, management company, or gaming-related vendor 1345

license; 1346

(2) A person that holds a direct or indirect ownership 1347
interest of more than one per cent in a person that has applied 1348
for or holds a casino operator, management company, or 1349
gaming-related vendor license or holding company that has control 1350
of a person that has applied for or holds a casino operator, 1351
management company, or gaming-related vendor license; 1352

(3) A managerial employee of a person that has applied for or 1353
holds a casino operator or gaming-related vendor license in Ohio, 1354
or a managerial employee of a holding company that has control of 1355
a person that has applied for or holds a casino operator or 1356
gaming-related vendor license in Ohio, who performs the function 1357
of principal executive officer, principal operating officer, 1358
principal accounting officer, or an equivalent officer or other 1359
person the commission determines to have the power to exercise 1360
significant influence over decisions concerning any part of the 1361
operation of such licensee. 1362

The commission shall determine whether an individual whose 1363
duties or status varies from those described in this division also 1364
is considered a key employee. 1365

~~(O)~~(P) "Licensed casino operator" means a casino operator 1366
that has been issued a license by the commission and that has been 1367
certified annually by the commission to have paid all applicable 1368
fees, taxes, and debts to the state. 1369

~~(P)~~(Q) "Majority ownership interest" in a license or in a 1370
casino facility, as the case may be, means ownership of more than 1371
fifty per cent of such license or casino facility, as the case may 1372
be. For purposes of the foregoing, whether a majority ownership 1373
interest is held in a license or in a casino facility, as the case 1374
may be, shall be determined under the rules for constructive 1375
ownership of stock provided in Treas. Reg. 1.409A-3(i)(5)(iii) as 1376

in effect on January 1, 2009. 1377

~~(Q)~~(R) "Management company" means an organization retained by 1378
a casino operator to manage a casino facility and provide services 1379
such as accounting, general administration, maintenance, 1380
recruitment, and other operational services. 1381

~~(R)~~(S) "Ohio law enforcement training fund" means the state 1382
law enforcement training fund described in Section 6(C)(3)(f) of 1383
Article XV, Ohio Constitution, the money in which shall be used to 1384
enhance public safety by providing additional training 1385
opportunities to the law enforcement community. 1386

~~(S)~~(T) "Person" includes, but is not limited to, an 1387
individual or a combination of individuals; a sole proprietorship, 1388
a firm, a company, a joint venture, a partnership of any type, a 1389
joint-stock company, a corporation of any type, a corporate 1390
subsidiary of any type, a limited liability company, a business 1391
trust, or any other business entity or organization; an assignee; 1392
a receiver; a trustee in bankruptcy; an unincorporated 1393
association, club, society, or other unincorporated entity or 1394
organization; entities that are disregarded for federal income tax 1395
purposes; and any other nongovernmental, artificial, legal entity 1396
that is capable of engaging in business. 1397

~~(T)~~(U) "Problem casino gambling and addictions fund" means 1398
the state problem gambling and addictions fund described in 1399
Section 6(C)(3)(g) of Article XV, Ohio Constitution, the money in 1400
which shall be used for treatment of problem gambling and 1401
substance abuse, and for related research. 1402

~~(U)~~(V) "Skill-based amusement machine" has the same meaning 1403
as in Chapter 2915. of the Revised Code. 1404

(W) "Skill-based amusement machine distributor" means any 1405
person who purchases or obtains skill-based amusement machines and 1406
who does any of the following: 1407

(1) Sells, offers for sale, leases, or otherwise provides or 1408
offers to provide skill-based amusement machines to another person 1409
for use in this state; 1410

(2) Modifies, converts, adds to, or removes parts from 1411
skill-based amusement machines to further their promotion or sale 1412
for use in this state; or 1413

(3) Assembles completed skill-based amusement machines from 1414
raw materials, other items, or subparts. 1415

(X) "Skill-based amusement machine operator" means a person 1416
that provides skill-based amusement machines to a player or 1417
participant. 1418

(Y) "Slot machine" means any mechanical, electrical, or other 1419
device or machine which, upon insertion of a coin, token, ticket, 1420
or similar object, or upon payment of any consideration, is 1421
available to play or operate, the play or operation of which, 1422
whether by reason of the skill of the operator or application of 1423
the element of chance, or both, makes individual prize 1424
determinations for individual participants in cash, premiums, 1425
merchandise, tokens, or any thing of value, whether the payoff is 1426
made automatically from the machine or in any other manner. 1427

~~(V)~~(Z) "Sweepstakes terminal device" has the same meaning as 1428
in Chapter 2915. of the Revised Code. 1429

(AA) "Sweepstakes terminal device distributor" means any 1430
person who purchases or obtains sweepstakes terminal devices and 1431
who does any of the following: 1432

(1) Sells, offers for sale, leases, or otherwise provides or 1433
offers to provide sweepstakes terminal devices to another person 1434
for use in this state; 1435

(2) Modifies, converts, adds to, or removes parts from 1436
sweepstakes terminal devices to further their promotion or sale 1437

for use in this state; or 1438

(3) Assembles completed sweepstakes terminal devices from raw 1439
materials, other items, or subparts. 1440

(BB) "Sweepstakes terminal device operator" means a person 1441
that provides sweepstakes terminal devices to a sweepstakes 1442
entrant. 1443

(CC) "Table game" means any game played with cards, dice, or 1444
any mechanical, electromechanical, or electronic device or machine 1445
for money, casino credit, or any representative of value. "Table 1446
game" does not include slot machines. 1447

~~(W)~~(DD) "Upfront license" means the first plenary license 1448
issued to a casino operator. 1449

~~(X)~~(EE) "Voluntary exclusion program" means a program 1450
provided by the commission that allows persons to voluntarily 1451
exclude themselves from the gaming areas of facilities under the 1452
jurisdiction of the commission by placing their name on a 1453
voluntary exclusion list and following the procedures set forth by 1454
the commission. 1455

Sec. 3772.02. (A) There is hereby created the Ohio casino 1456
control commission described in Section 6(C)(1) of Article XV, 1457
Ohio Constitution. 1458

(B) The commission shall consist of seven members appointed 1459
within one month of ~~the effective date of this section~~ September 1460
10, 2010, by the governor with the advice and consent of the 1461
senate. The governor shall forward all appointments to the senate 1462
within twenty-four hours. 1463

(1) Each commission member is eligible for reappointment at 1464
the discretion of the governor. No commission member shall be 1465
appointed for more than three terms in total. 1466

(2) Each commission member shall be a resident of Ohio. 1467

(3) At least one commission member shall be experienced in 1468
law enforcement and criminal investigation. 1469

(4) At least one commission member shall be a certified 1470
public accountant experienced in accounting and auditing. 1471

(5) At least one commission member shall be an attorney 1472
admitted to the practice of law in Ohio. 1473

(6) At least one commission member shall be a resident of a 1474
county where one of the casino facilities is located. 1475

(7) Not more than four commission members shall be of the 1476
same political party. 1477

(8) No commission member shall have any affiliation with an 1478
Ohio casino operator or facility. 1479

(C) Commission members shall serve four-year terms, except 1480
that when the governor makes initial appointments to the 1481
commission under this chapter, the governor shall appoint three 1482
members to serve four-year terms with not more than two such 1483
members from the same political party, two members to serve 1484
three-year terms with such members not being from the same 1485
political party, and two members to serve two-year terms with such 1486
members not being from the same political party. 1487

(D) Each commission member shall hold office from the date of 1488
appointment until the end of the term for which the member was 1489
appointed. Any member appointed to fill a vacancy occurring before 1490
the expiration of the term for which the member's predecessor was 1491
appointed shall hold office for the remainder of the unexpired 1492
term. Any member shall continue in office after the expiration 1493
date of the member's term until the member's successor takes 1494
office, or until a period of sixty days has elapsed, whichever 1495
occurs first. A vacancy in the commission membership shall be 1496
filled in the same manner as the original appointment. 1497

(E) The governor shall select one member to serve as 1498
chairperson and the commission members shall select one member 1499
from a different party than the chairperson to serve as 1500
vice-chairperson. The governor may remove and replace the 1501
chairperson at any time. No such member shall serve as chairperson 1502
for more than six successive years. The vice-chairperson shall 1503
assume the duties of the chairperson in the absence of the 1504
chairperson. The chairperson and vice-chairperson shall perform 1505
but shall not be limited to additional duties as are prescribed by 1506
commission rule. 1507

(F) A commission member is not required to devote the 1508
member's full time to membership on the commission. Each member of 1509
the commission shall receive compensation of sixty thousand 1510
dollars per year, payable in monthly installments for the first 1511
four years of the commission's existence. Each member shall 1512
receive the member's actual and necessary expenses incurred in the 1513
discharge of the member's official duties. 1514

(G) The governor shall not appoint an individual to the 1515
commission, and an individual shall not serve on the commission, 1516
if the individual has been convicted of or pleaded guilty or no 1517
contest to a disqualifying offense as defined in section 3772.07 1518
of the Revised Code. Members coming under indictment or bill of 1519
information of a disqualifying offense shall resign from the 1520
commission immediately upon indictment. 1521

(H) At least five commission members shall be present for the 1522
commission to meet. The concurrence of four members is necessary 1523
for the commission to take any action. All members shall vote on 1524
the adoption of rules, and the approval of, and the suspension or 1525
revocation of, the licenses ~~of casino operators or management~~ 1526
~~companies~~ issued under this chapter, unless a member has a written 1527
leave of absence filed with and approved by the chairperson. 1528

(I) A commission member may be removed or suspended from 1529

office in accordance with section 3.04 of the Revised Code. 1530

(J) Each commission member, before entering upon the 1531
discharge of the member's official duties, shall make an oath to 1532
uphold the Ohio Constitution and laws of the state of Ohio and 1533
shall give a bond, payable by the commission, to the treasurer of 1534
state, in the sum of ten thousand dollars with sufficient sureties 1535
to be approved by the treasurer of state, which bond shall be 1536
filed with the secretary of state. 1537

(K) The commission shall hold one regular meeting each month 1538
and shall convene other meetings at the request of the chairperson 1539
or a majority of the members. A member who fails to attend at 1540
least three-fifths of the regular and special meetings of the 1541
commission during any two-year period forfeits membership on the 1542
commission. All meetings of the commission shall be open meetings 1543
under section 121.22 of the Revised Code except as otherwise 1544
allowed by law. 1545

Sec. 3772.03. (A) To ensure the integrity of casino gaming, 1546
the commission shall have authority to complete the functions of 1547
licensing, regulating, investigating, and penalizing casino 1548
operators, management companies, holding companies, key employees, 1549
casino gaming employees, and gaming-related vendors. The 1550
commission also shall have jurisdiction over all persons 1551
participating in casino gaming authorized by Section 6(C) of 1552
Article XV, Ohio Constitution, and this chapter. 1553

(B) To ensure the integrity of skill-based amusement machines 1554
and sweepstakes terminal devices, the commission shall have the 1555
authority to complete the functions of licensing, regulating, 1556
investigating, and penalizing skill-based amusement machine 1557
distributors and operators and sweepstakes terminal device 1558
distributors and operators. 1559

(C) All rules adopted by the commission under this chapter 1560

shall be adopted under procedures established in Chapter 119. of 1561
the Revised Code. The commission may contract for the services of 1562
experts and consultants to assist the commission in carrying out 1563
its duties under this section. 1564

~~(C)(D)~~ Within ~~six~~ nine months of ~~the effective date of this~~ 1565
~~section~~ September 10, 2010, the commission shall adopt initial 1566
rules as are necessary for completing the functions stated in 1567
~~division~~ divisions (A) and (B) of this section and for addressing 1568
the subjects enumerated in division ~~(D)~~ (E) of this section. 1569

~~(D)(E)~~ The commission shall adopt, and as advisable and 1570
necessary shall amend or repeal, rules that include all of the 1571
following: 1572

(1) The prevention of practices detrimental to the public 1573
interest; 1574

(2) Prescribing the method of applying, and the form of 1575
application, that an applicant for a license under this chapter 1576
must follow as otherwise described in this chapter; 1577

(3) Prescribing the information to be furnished by an 1578
applicant or licensee as described in ~~section 3772.11 of the~~ 1579
~~Revised Code~~ this chapter; 1580

(4) Describing the certification standards and duties of the 1581
following: an independent testing laboratory certified under 1582
section 3772.31 of the Revised Code and the relationship between 1583
the commission, the laboratory, the gaming-related vendor, and the 1584
casino operator; a skill-based amusement machine distributor; a 1585
skill-based amusement machine operator; a sweepstakes terminal 1586
device distributor; and a sweepstakes terminal device operator; 1587

(5) The minimum amount of insurance that must be maintained 1588
by a casino operator, management company, holding company, ~~or~~ 1589
gaming-related vendor, skill-based amusement machine distributor, 1590
skill-based amusement machine operator, sweepstakes terminal 1591

device distributor, or sweepstakes terminal device operator; 1592

(6) The approval process for a significant change in 1593
ownership or transfer of control of a licensee as provided in 1594
section 3772.091 of the Revised Code; 1595

(7) The design of gaming supplies, devices, and equipment to 1596
be distributed by gaming-related vendors, skill-based amusement 1597
machine distributors, skill-based amusement machine operators, 1598
sweepstakes terminal device distributors, and sweepstakes terminal 1599
device operators; 1600

(8) ~~Identifying~~ For all casino gaming, skill-based amusement 1601
machine gaming, and sweepstakes terminal device gaming that is 1602
licensed by the commission: 1603

(a) Identifying the ~~casino~~ gaming that is permitted, 1604
~~identifying;~~ 1605

(b) Identifying the gaming supplies, devices, and equipment, 1606
that are permitted, ~~defining;~~ 1607

(c) Defining the area in which the permitted casino gaming 1608
may be conducted, ~~and specifying;~~ 1609

(d) Specifying the method of operation according to which the 1610
permitted ~~casino~~ gaming is to be conducted as provided in ~~section~~ 1611
~~3772.20 of the Revised Code, and requiring this chapter;~~ 1612

(e) Requiring gaming devices and equipment to meet the 1613
standards of this state; 1614

(9) Tournament play in any casino facility; 1615

(10) Establishing and implementing a voluntary exclusion 1616
program that provides all of the following: 1617

(a) Except as provided by commission rule, a person who 1618
participates in the program shall agree to refrain from entering a 1619
casino facility. 1620

(b) The name of a person participating in the program shall 1621
be included on a list of persons excluded from all casino 1622
facilities. 1623

(c) Except as provided by commission rule, no person who 1624
participates in the program shall petition the commission for 1625
admittance into a casino facility. 1626

(d) The list of persons participating in the program and the 1627
personal information of those persons shall be confidential and 1628
shall only be disseminated by the commission to a casino operator 1629
and the agents and employees of the casino operator for purposes 1630
of enforcement and to other entities, upon request of the 1631
participant and agreement by the commission. 1632

(e) A casino operator shall make all reasonable attempts as 1633
determined by the commission to cease all direct marketing efforts 1634
to a person participating in the program. 1635

(f) A casino operator shall not cash the check of a person 1636
participating in the program or extend credit to the person in any 1637
manner. However, the program shall not exclude a casino operator 1638
from seeking the payment of a debt accrued by a person before 1639
participating in the program. 1640

(g) Any and all locations at which a person may register as a 1641
participant in the program shall be published. 1642

(11) Requiring the commission to adopt standards regarding 1643
the marketing materials of a licensed casino operator, a 1644
skill-based amusement machine distributor, a skill-based amusement 1645
machine operator, a sweepstakes terminal device distributor, and a 1646
sweepstakes terminal device operator, including allowing the 1647
commission to prohibit marketing materials that are contrary to 1648
the adopted standards; 1649

(12) Requiring that the records, including financial 1650
statements, of any casino operator, management company, holding 1651

company, ~~and~~ gaming-related vendor, skill-based amusement machine 1652
distributor, skill-based amusement machine operator, sweepstakes 1653
terminal device distributor, and sweepstakes terminal device 1654
operator be maintained in the manner prescribed by the commission 1655
and made available for inspection upon demand by the commission, 1656
but shall be subject to section 3772.16 of the Revised Code; 1657

(13) Permitting a licensed casino operator, management 1658
company, key employee, ~~or~~ casino gaming employee, skill-based 1659
amusement machine distributor, skill-based amusement machine 1660
operator, sweepstakes terminal device distributor, or sweepstakes 1661
terminal device operator to question a person suspected of 1662
violating this chapter; 1663

(14) The chips, tokens, tickets, electronic cards, or similar 1664
objects that may be purchased by means of an agreement under which 1665
credit is extended to a wagerer by a casino operator; 1666

(15) Establishing standards for provisional key employee 1667
licenses for a person who is required to be licensed as a key 1668
employee and is in exigent circumstances and standards for 1669
provisional licenses for casino gaming employees who submit 1670
complete applications and are compliant under an instant 1671
background check. A provisional license shall be valid not longer 1672
than three months. A provisional license may be renewed one time, 1673
at the commission's discretion, for an additional three months. In 1674
establishing standards with regard to instant background checks 1675
the commission shall take notice of criminal records checks as 1676
they are conducted under section 311.41 of the Revised Code using 1677
electronic fingerprint reading devices. 1678

(16) Establishing approval procedures for third-party 1679
engineering or accounting firms, as described in section 3772.09 1680
of the Revised Code; 1681

(17) Prescribing the manner in which winnings, compensation 1682

from casino gaming, and gross revenue must be computed and 1683
reported by a licensee as described in Chapter 5753. of the 1684
Revised Code; 1685

(18) Prescribing the manner in which winnings or compensation 1686
from skill-based amusement devices or sweepstakes terminal devices 1687
must be computed and reported by a licensee under this chapter; 1688

(19) Prescribing conditions under which a licensee's license 1689
may be suspended or revoked as described in section 3772.04 of the 1690
Revised Code; 1691

~~(19)~~(20) Prescribing the manner and procedure of all hearings 1692
to be conducted by the commission or by any hearing examiner; 1693

~~(20)~~(21) Prescribing technical standards and requirements 1694
that are to be met by security and surveillance equipment that is 1695
used at and standards and requirements to be met by personnel who 1696
are employed at casino facilities and skill-based amusement 1697
machine operator's and sweepstakes terminal device operator's 1698
facilities, and standards and requirements for the provision of 1699
security at and surveillance of casino facilities and skill-based 1700
amusement machine operator's and sweepstakes terminal device 1701
operator's facilities; 1702

~~(21)~~(22) Prescribing requirements for a casino operator to 1703
provide unarmed security services at a casino facility by licensed 1704
casino employees, and the training that shall be completed by 1705
these employees; 1706

~~(22)~~(23) Prescribing standards according to which casino 1707
operators shall keep accounts and standards according to which 1708
casino accounts shall be audited, and establish means of assisting 1709
the tax commissioner in levying and collecting the gross casino 1710
revenue tax levied under section 5753.02 of the Revised Code; 1711

~~(23)~~(24) Prescribing standards under which skill-based 1712
amusement machine distributors, skill-based amusement machine 1713

operators, sweepstakes terminal device distributors, and 1714
sweepstakes terminal device operators shall keep accounts, 1715
standards to audit such accounts and establishing means to assist 1716
the tax commissioner in levying and collecting all applicable 1717
taxes; 1718

(25) Defining penalties for violation of commission rules and 1719
a process for imposing such penalties subject to the review of the 1720
joint committee on gaming and wagering; 1721

~~(24)~~(26) Establishing standards for decertifying contractors 1722
that violate statutes or rules of this state or the federal 1723
government; 1724

~~(25)~~(27) Establishing standards for the repair of casino 1725
gaming equipment, skill-based amusement machines, and sweepstakes 1726
terminal devices; 1727

~~(26)~~(28) Establishing procedures to ensure that casino 1728
operators, management companies, and holding companies are 1729
compliant with the compulsive and problem gambling plan submitted 1730
under section 3772.18 of the Revised Code; 1731

~~(27)~~(29) Providing for any other thing necessary and proper 1732
for successful and efficient regulation of casino gaming, 1733
skill-based amusement machines, and sweepstakes terminal devices 1734
under this chapter. 1735

~~(E)~~(F) The commission shall employ and assign gaming agents 1736
as necessary to assist the commission in carrying out the duties 1737
of this chapter. In order to maintain employment as a gaming 1738
agent, the gaming agent shall successfully complete all continuing 1739
training programs required by the commission and shall not have 1740
been convicted of or pleaded guilty or no contest to a 1741
disqualifying offense as defined in section 3772.07 of the Revised 1742
Code. 1743

~~(F)~~(G) The commission and its gaming agents shall have 1744

authority with regard to the detection and investigation of, the 1745
seizure of evidence allegedly relating to, and the apprehension 1746
and arrest of persons allegedly committing gaming offenses, and 1747
shall have access to ~~casino~~ all licensed facilities to carry out 1748
the requirements of this chapter. 1749

~~(G)~~(H) The commission may eject or exclude or authorize the 1750
ejection or exclusion of and a gaming agent may eject a person 1751
from a casino facility, a skill-based amusement machine facility, 1752
and a sweepstakes terminal device facility for any of the 1753
following reasons: 1754

(1) The person's name is on the list of persons voluntarily 1755
excluding themselves from all casinos in a program established 1756
according to rules adopted by the commission; 1757

(2) The person violates or conspires to violate this chapter 1758
or a rule adopted thereunder; or 1759

(3) The commission determines that the person's conduct or 1760
reputation is such that the person's presence within such a ~~casino~~ 1761
facility may call into question the honesty and integrity of the 1762
~~casino~~ licensed gaming operations or interfere with the orderly 1763
conduct of the ~~casino~~ licensed gaming operations. 1764

~~(H)~~(I) A person, other than a person participating in a 1765
voluntary exclusion program, may petition the commission for a 1766
public hearing on the person's ejection or exclusion under this 1767
chapter. 1768

~~(I)~~(J) A casino operator or management company shall have the 1769
same authority to eject or exclude a person from the management 1770
company's casino facilities as authorized in division (G) of this 1771
section. The licensee shall immediately notify the commission of 1772
an ejection or exclusion. 1773

~~(J)~~(K) The commission shall submit a written annual report 1774
with the governor, president and minority leader of the senate, 1775

speaker and minority leader of the house of representatives, and 1776
joint committee on gaming and wagering before the first day of 1777
September each year. The annual report shall include a statement 1778
describing the receipts and disbursements of the commission, 1779
relevant financial data regarding casino gaming, including gross 1780
revenues and disbursements made under this chapter, actions taken 1781
by the commission, an update on casino operators', management 1782
companies', and holding companies' compulsive and problem gambling 1783
plans and the voluntary exclusion program and list, and any 1784
additional information that the commission considers useful or 1785
that the governor, president or minority leader of the senate, 1786
speaker or minority leader of the house of representatives, or 1787
joint committee on gaming and wagering requests. 1788

~~(K)~~(L) Notwithstanding any law to the contrary, beginning on 1789
July 1, 2011, the commission shall assume jurisdiction over and 1790
oversee the regulation of skill-based amusement machines and 1791
sweepstakes terminal devices as is provided in the law of this 1792
state. 1793

Sec. 3772.032. (A) The permanent joint committee on gaming 1794
and wagering is established. The committee consists of six 1795
members. The speaker of the house of representatives shall appoint 1796
to the committee three members of the house of representatives and 1797
the president of the senate shall appoint to the committee three 1798
members of the senate. Not more than two members appointed from 1799
each chamber may be members of the same political party. The 1800
chairperson shall be from the opposite party as the chairperson of 1801
the joint committee on agency rule review. If the chairperson is 1802
to be from the house of representatives, the speaker of the house 1803
of representatives shall designate a member as the chairperson and 1804
the president of the senate shall designate a member as the 1805
vice-chairperson. If the chairperson is to be from the senate, the 1806
president of the senate shall designate a member as the 1807

chairperson and the speaker of the house of representatives shall 1808
designate a member as the vice-chairperson. 1809

(B) The committee shall: 1810

(1) Review all constitutional amendments, laws, and rules 1811
governing the operation and administration of ~~casino~~ licensed 1812
gaming and all authorized ~~gaming and wagering~~ and regulated gaming 1813
activities and recommend to the general assembly and commission 1814
any changes it may find desirable with respect to the language, 1815
structure, and organization of those amendments, laws, or rules; 1816

(2) Make an annual report to the governor and to the general 1817
assembly with respect of the operation and administration of 1818
~~casino~~ licensed gaming; 1819

(3) Review all changes of fees and penalties as provided in 1820
this chapter and rules adopted thereunder; and 1821

(4) Study all proposed changes to the constitution and laws 1822
of this state and to the rules adopted by the commission governing 1823
the operation and administration of ~~casino~~ licensed gaming, and 1824
report to the general assembly on their adequacy and desirability 1825
as a matter of public policy. 1826

(C) Any study, or any expense incurred, in furtherance of the 1827
committee's objectives shall be paid for from, or out of, the 1828
casino control commission fund or other appropriation provided by 1829
law. The members shall receive no additional compensation, but 1830
shall be reimbursed for actual and necessary expenses incurred in 1831
the performance of their official duties. 1832

Sec. 3772.033. In carrying out the responsibilities vested in 1833
the commission by this chapter, the commission may do all the 1834
following and may designate any such responsibilities to the 1835
executive director, to the commission's employees, or to the 1836
gaming agents: 1837

- (A) Inspect and examine all premises where ~~casino~~ licensed gaming is conducted under this chapter or where gaming supplies, devices, or equipment are manufactured, sold, or distributed;
- (B) Inspect all gaming supplies, devices, and equipment in or about a ~~casino~~ licensed facility;
- (C) Summarily impound and seize and remove from the ~~casino~~ licensed facility premises gaming supplies, devices, and equipment for the purpose of examination and inspection;
- (D) Determine any facts, or any conditions, practices, or other matters, as the commission considers necessary or proper to aid in the enforcement of this chapter or of a rule adopted thereunder;
- (E) Audit licensed gaming operations, including those that have ceased operation;
- (F) Investigate, for the purpose of prosecution, any suspected violation of this chapter or rules adopted thereunder;
- (G) Investigate as appropriate to aid the commission and to seek the executive director's advice in adopting rules;
- (H) Secure information as is necessary to provide a basis for recommending legislation for the improvement of this chapter;
- (I) Make, execute, and otherwise effectuate all contracts and other agreements, including contracts for necessary purchases of goods and services. Except for any contract entered into with independent testing laboratories under section 3772.31 of the Revised Code, the commission shall ensure use of Ohio products or services in compliance with sections 125.09 and 125.11 of the Revised Code and all rules adopted thereunder.
- (J) Employ the services of persons the commission considers necessary for the purposes of consultation or investigation, and fix the salaries of, or contract for the services of, legal, with

the consent of the attorney general, accounting, technical, 1868
operational, and other personnel and consultants⁺. The attorney 1869
general shall serve as the chief legal representative for the 1870
commission. Under section 109.07 of the Revised Code, the attorney 1871
general may appoint special counsel to assist in representation of 1872
the commission. 1873

(K) Secure, by agreement, information and services as the 1874
commission considers necessary from any state agency or other unit 1875
of state government; 1876

(L) Acquire furnishings, equipment, supplies, stationery, 1877
books, and all other things the commission considers necessary or 1878
desirable to successfully and efficiently carry out the 1879
commission's duties and functions; ~~and~~ 1880

(M) Take any other necessary and reasonable action to 1881
determine if a violation of any provision of sections 2915.01 to 1882
2915.13 and Chapter 3772. of the Revised Code has occurred; 1883

(N) Perform all other things the commission considers 1884
necessary to effectuate the intents and purposes of this chapter. 1885
This section shall not prohibit the commission from imposing 1886
administrative discipline, including fines and suspension or 1887
revocation of licenses, on licensees under this chapter if the 1888
licensee is found to be in violation of the commission's rules. 1889

Sec. 3772.04. (A)(1) If, as the result of an investigation, 1890
the commission concludes that a license or finding required by 1891
this chapter should be limited, conditioned, or restricted, or 1892
suspended or revoked, the commission shall conduct an adjudication 1893
under Chapter 119. of the Revised Code. 1894

(2) The commission shall appoint a hearing examiner to 1895
conduct the hearing in the adjudication. A party to the 1896
adjudication may file written objections to the hearing examiner's 1897

report and recommendations not later than the thirtieth day after 1898
they are served upon the party or the party's attorney or other 1899
representative of record. The commission shall not take up the 1900
hearing examiner's report and recommendations earlier than the 1901
thirtieth day after the hearing examiner's report and 1902
recommendations were submitted to the commission. 1903

(3) If the commission finds that a person has violated this 1904
chapter or Chapter 2915. of the Revised Code or a rule adopted 1905
thereunder, the commission may issue an order: 1906

(a) Limiting, conditioning, or restricting, or suspending or 1907
revoking, a license issued under this chapter; 1908

(b) Limiting, conditioning, or restricting, or suspending or 1909
revoking, a finding made under this chapter; 1910

(c) Requiring a casino facility to exclude a licensee from 1911
the casino facility or requiring a casino facility not to pay to 1912
the licensee any remuneration for services or any share of 1913
profits, income, or accruals on the licensee's investment in the 1914
casino facility; or 1915

(d) Fining a licensee or other person according to the 1916
penalties adopted by the commission. 1917

(4) An order may be judicially reviewed under section 119.12 1918
of the Revised Code. 1919

(B) For the purpose of conducting any study or investigation, 1920
the commission may direct that public hearings be held at a time 1921
and place, prescribed by the commission, in accordance with 1922
section 121.22 of the Revised Code. The commission shall give 1923
notice of all public hearings in such manner as will give actual 1924
notice to all interested parties. 1925

(C) In the discharge of any duties imposed by this chapter, 1926
the commission may require that testimony be given under oath and 1927

administer such oath, issue subpoenas compelling the attendance of 1928
witnesses and the production of any papers, books, and accounts, 1929
and cause the deposition of any witness. In the event of the 1930
refusal of any person without good cause to comply with the terms 1931
of a subpoena issued by the commission or refusal to testify on 1932
matters about which the person may lawfully be questioned, the 1933
prosecuting attorney of the county in which such person resides, 1934
upon the petition of the commission, may bring a proceeding for 1935
contempt against such person in the court of common pleas of that 1936
county. 1937

(D) When conducting a public hearing, the commission shall 1938
not limit the number of speakers who may testify. However, the 1939
commission may set reasonable time limits on the length of an 1940
individual's testimony or the total amount of time allotted to 1941
proponents and opponents of an issue before the commission. 1942

(E) An administrative law judge appointed by the commission 1943
may conduct a hearing under this chapter and recommend findings of 1944
fact and decisions to the commission. 1945

(F) The commission may rely, in whole or in part, upon 1946
investigations, conclusions, or findings of other casino gaming 1947
commissions or other government regulatory bodies in connection 1948
with licensing, investigations, or other matters relating to an 1949
applicant or licensee under this chapter. 1950

Sec. 3772.06. (A)(1) The commission shall appoint an 1951
executive director who shall serve at the pleasure of the 1952
commission. The executive director is in the unclassified service, 1953
shall devote full time to the duties of the office, and shall hold 1954
no other office or employment. The executive director shall, by 1955
experience and training, possess management skills that equip the 1956
executive director to administer an enterprise of the nature of 1957
the commission. The executive director shall not have a pecuniary 1958

interest in any business organization that holds a license under 1959
this chapter, or that does business with any person licensed under 1960
this chapter. A member of the general assembly, a person who holds 1961
an elective office, or an office holder of a political party is 1962
ineligible to be appointed executive director at the same time as 1963
being such a member or holding such an office. The executive 1964
director shall receive an annual salary in accordance with pay 1965
range 48 of section 124.152 of the Revised Code. 1966

(2) The executive director, before entering upon the 1967
discharge of the executive director's official duties, shall give, 1968
and thereafter shall maintain, bond in the amount of twenty-five 1969
thousand dollars, payable to the state, conditioned upon the 1970
executive director's faithful and proper performance of the 1971
executive director's official duties. The bond shall be issued by 1972
a surety authorized to do business in this state and shall be 1973
filed with the secretary of state. The bond may be an individual 1974
bond or a schedule or blanket bond. 1975

(B)(1) The executive director or a deputy designated in 1976
writing by the executive director shall attend all meetings of the 1977
commission and shall act as its secretary. The executive director 1978
shall keep a record of all commission proceedings and shall keep 1979
the commission's records, files, and documents at the commission's 1980
principal office. 1981

(2) The executive director shall be the chief executive 1982
officer and shall be responsible for keeping all commission 1983
records and supervising and administering ~~casino~~ licensed gaming 1984
in accordance with this chapter, and enforcing all commission 1985
rules adopted under this chapter. 1986

(3) The executive director shall hire staff, including an 1987
assistant director or deputy directors, as necessary to assist the 1988
executive director in the executive director's duties under this 1989

chapter. In appointing employees, the executive director is 1990
subject to section 3772.061 of the Revised Code. The executive 1991
director may employ employees as necessary, unless the commission 1992
determines otherwise. Except as otherwise provided in this 1993
chapter, all costs of administration incurred by the executive 1994
director and the executive director's employees shall be paid out 1995
of the casino control commission fund. 1996

(C) A state agency or other unit of state government shall 1997
cooperate with the commission, and shall provide the commission 1998
with information and services the commission considers necessary 1999
to carry out the commission's duties and functions under this 2000
chapter. 2001

(D) The executive director shall confer at least once each 2002
month with the commission, at which time the executive director 2003
shall advise it regarding the operation and administration of the 2004
commission and ~~casino~~ licensed gaming. The executive director 2005
shall make available at the request of the commission all 2006
documents, files, and other records pertaining to the operation 2007
and administration of the commission and ~~casino~~ licensed gaming. 2008
The executive director shall prepare and make available to the 2009
commission each month a complete and accurate accounting of gross 2010
casino gaming revenues and other licensed gaming revenues, and all 2011
other relevant financial information, including an accounting of 2012
all transfers made from the casino control commission fund. 2013

Sec. 3772.07. The following appointing or licensing 2014
authorities shall obtain a criminal records check of the person 2015
who is to be appointed or licensed: 2016

(A) The governor, before appointing an individual as a member 2017
of the commission; 2018

(B) The commission, before appointing an individual as 2019
executive director or a gaming agent; 2020

(C) The commission, before issuing a license for a key 2021
employee or casino gaming employee, and before issuing a license 2022
for each investor, except an institutional investor, for a casino 2023
operator, management company, holding company, or gaming-related 2024
vendor; 2025

(D) The commission, before issuing a license for a 2026
skill-based amusement machine distributor, a skill-based amusement 2027
machine operator, a sweepstakes terminal device distributor, or a 2028
sweepstakes terminal device operator; 2029

(E) The executive director, before appointing an individual 2030
as a professional, technical, or clerical employee of the 2031
commission. 2032

Thereafter, such an appointing or licensing authority shall 2033
obtain a criminal records check of the same individual at 2034
three-year intervals. 2035

The appointing or licensing authority shall provide to each 2036
person of whom a criminal records check is required a copy of the 2037
form and the standard fingerprint impression sheet prescribed 2038
under divisions (C)(1) and (2) of section 109.572 of the Revised 2039
Code. The person shall complete the form and impression sheet and 2040
return them to the appointing or licensing authority. If a person 2041
fails to complete and return the form and impression sheet within 2042
a reasonable time, the person is ineligible to be appointed or 2043
licensed or to continue in the appointment or licensure. 2044

The appointing or licensing authority shall forward the 2045
completed form and impression sheet to the superintendent of the 2046
bureau of criminal identification and investigation. The 2047
appointing or licensing authority shall request the superintendent 2048
also to obtain information from the federal bureau of 2049
investigation, including fingerprint-based checks of the national 2050
crime information databases, and from other states and the federal 2051

government under the national crime prevention and privacy compact 2052
as part of the criminal records check. 2053

The commission shall pay the fee the bureau of criminal 2054
identification and investigation charges for all criminal records 2055
checks conducted under this section. An applicant for a casino 2056
operator, management company, holding company, ~~or~~ gaming-related 2057
vendor, skill-based amusement machine distributor, skill-based 2058
amusement machine operator, sweepstakes terminal device 2059
distributor, or sweepstakes terminal device operator license shall 2060
reimburse the commission for the amount of the fee paid on the 2061
applicant's behalf. An applicant for a key employee or casino 2062
gaming employee license shall reimburse the commission for the 2063
amount of the fee paid on the applicant's behalf, unless the 2064
applicant is applying at the request of a casino operator or 2065
management company, in which case the casino operator or 2066
management company shall reimburse the commission. 2067

The appointing or licensing authority shall review the 2068
results of a criminal records check. An appointee for a commission 2069
member shall forward the results of the criminal records check to 2070
the president of the senate before the senate advises and consents 2071
to the appointment of the commission member. The appointing or 2072
licensing authority shall not appoint or license or retain the 2073
appointment or licensure of a person a criminal records check 2074
discloses has been convicted of or has pleaded guilty or no 2075
contest to a disqualifying offense. A "disqualifying offense" 2076
means any gambling offense, any theft offense, any offense having 2077
an element of fraud or misrepresentation, any offense having an 2078
element of moral turpitude, and any felony not otherwise included 2079
in the foregoing list, ~~except as otherwise provided in section~~ 2080
~~3772.10 of the Revised Code.~~ 2081

The report of a criminal records check is not a public record 2082
that is open to public inspection and copying. The commission 2083

shall not make the report available to any person other than the 2084
person who was the subject of the criminal records check; an 2085
appointing or licensing authority; a member, the executive 2086
director, or an employee of the commission; or any court or 2087
agency, including a hearing examiner, in a judicial or 2088
administrative proceeding relating to the person's employment with 2089
the entity requesting the criminal records check in which the 2090
criminal records check is relevant. 2091

Sec. 3772.10. (A) In determining whether to grant or maintain 2092
the privilege of a ~~casino operator, management company, holding~~ 2093
~~company, key employee, casino gaming employee, or gaming related~~ 2094
~~vendor~~ license issued under this chapter, the ~~Ohio casino control~~ 2095
commission shall consider all of the following, as applicable: 2096

(1) The reputation, experience, and financial integrity of 2097
the applicant, its holding company, if applicable, and any other 2098
person that directly or indirectly controls the applicant; 2099

(2) The financial ability of the applicant to purchase and 2100
maintain adequate liability and casualty insurance and to provide 2101
an adequate surety bond; 2102

(3) The past and present compliance of the applicant and its 2103
affiliates or affiliated companies with casino-related licensing 2104
requirements in this state or any other jurisdiction, including 2105
whether the applicant has a history of noncompliance with the 2106
casino licensing requirements of any jurisdiction; 2107

(4) If the applicant has been indicted, convicted, pleaded 2108
guilty or no contest, or forfeited bail concerning any criminal 2109
offense under the laws of any jurisdiction, either felony or 2110
misdemeanor, not including traffic violations; 2111

(5) If the applicant has filed, or had filed against it a 2112
proceeding for bankruptcy or has ever been involved in any formal 2113

process to adjust, defer, suspend, or otherwise work out the 2114
payment of any debt; 2115

(6) If the applicant has been served with a complaint or 2116
other notice filed with any public body regarding a payment of any 2117
tax required under federal, state, or local law that has been 2118
delinquent for one or more years; 2119

(7) If the applicant is or has been a defendant in litigation 2120
involving its business practices; 2121

(8) If awarding a license would undermine the public's 2122
confidence in the casino gaming industry in this state; 2123

(9) If the applicant meets other standards for the issuance 2124
of a license that the commission adopts by rule, which shall not 2125
be arbitrary, capricious, or contradictory to the expressed 2126
provisions of this chapter. 2127

(B) All applicants for a license under this chapter shall 2128
establish their suitability for a license by clear and convincing 2129
evidence. If the commission determines that a person is eligible 2130
under this chapter to be issued a license ~~as a casino operator,~~ 2131
~~management company, holding company, key employee, casino gaming~~ 2132
~~employee, or gaming related vendor,~~ the commission shall issue 2133
such license for not more than three years, as determined by 2134
commission rule, if all other requirements of this chapter have 2135
been satisfied. 2136

(C) The commission shall not issue a ~~casino operator,~~ 2137
~~management company, holding company, key employee, casino gaming~~ 2138
~~employee, or gaming related vendor~~ license under this chapter to 2139
an applicant if: 2140

(1) The applicant has been convicted of a disqualifying 2141
offense, as defined in section 3772.07 of the Revised Code. 2142

(2) The applicant has submitted an application for license 2143

under this chapter that contains false information. 2144

(3) The applicant is a commission member. 2145

(4) The applicant owns an ownership interest that is unlawful 2146
under this chapter, unless waived by the commission. 2147

(5) The applicant violates specific rules adopted by the 2148
commission related to denial of licensure. 2149

(6) The applicant is a member of or employed by a gaming 2150
regulatory body of a governmental unit in this state, another 2151
state, or the federal government, or is employed by a governmental 2152
unit of this state. This division does not prohibit a casino 2153
operator from hiring special duty law enforcement officers if the 2154
officers are not specifically involved in gaming-related 2155
regulatory functions. 2156

(7) The commission otherwise determines the applicant is 2157
ineligible for the license. 2158

(D)(1) The commission shall investigate the qualifications of 2159
each applicant under this chapter before any license is issued and 2160
before any finding with regard to acts or transactions for which 2161
commission approval is required is made. The commission shall 2162
continue to observe the conduct of all licensees and all other 2163
persons having a material involvement directly or indirectly with 2164
a ~~casino operator, management company, or holding company licensee~~ licensee 2165
to ensure that licenses are not issued to or held by, or that 2166
there is not any material involvement with a ~~casino operator,~~ 2167
~~management company, or holding company licensee~~ by, an 2168
unqualified, disqualified, or unsuitable person or a person whose 2169
operations are conducted in an unsuitable manner or in unsuitable 2170
or prohibited places or locations. 2171

(2) The executive director may recommend to the commission 2172
that it deny any application, or limit, condition, or restrict, or 2173
suspend or revoke, any license or finding, or impose any fine upon 2174

any licensee or other person according to this chapter and the 2175
rules adopted thereunder. 2176

(3) A license issued under this chapter is a revocable 2177
privilege. No licensee has a vested right in or under any license 2178
issued under this chapter. The initial determination of the 2179
commission to deny, or to limit, condition, or restrict, a license 2180
may be appealed under section 2505.03 of the Revised Code. 2181

(E)(1) An institutional investor otherwise required to be 2182
found suitable or qualified under this chapter and the rules 2183
adopted under this chapter shall be presumed suitable or qualified 2184
upon submitting documentation sufficient to establish 2185
qualifications as an institutional investor and upon certifying 2186
all of the following: 2187

(a) The institutional investor owns, holds, or controls 2188
publicly traded securities issued by a licensee or holding, 2189
intermediate, or parent company of a licensee or in the ordinary 2190
course of business for investment purposes only. 2191

(b) The institutional investor does not exercise influence 2192
over the affairs of the issuer of such securities nor over any 2193
licensed subsidiary of the issuer of such securities. 2194

(c) The institutional investor does not intend to exercise 2195
influence over the affairs of the issuer of such securities, nor 2196
over any licensed subsidiary of the issuer of such securities, in 2197
the future, and that it agrees to notify the commission in writing 2198
within thirty days if such intent changes. 2199

(2) The exercise of voting privileges with regard to publicly 2200
traded securities shall not be deemed to constitute the exercise 2201
of influence over the affairs of a licensee. 2202

(3) The commission shall rescind the presumption of 2203
suitability for an institutional investor at any time if the 2204
institutional investor exercises or intends to exercise influence 2205

or control over the affairs of the licensee. 2206

(4) This division shall not be construed to preclude the 2207
commission from investigating the suitability or qualifications of 2208
an institutional investor if the commission becomes aware of facts 2209
or information that may result in the institutional investor being 2210
found unsuitable or disqualified. 2211

(F) Information provided on the application shall be used as 2212
a basis for a thorough background investigation of each applicant. 2213
A false or incomplete application is cause for denial of a license 2214
by the commission. All applicants and licensees shall consent to 2215
inspections, searches, and seizures and to the disclosure to the 2216
commission and its agents of confidential records, including tax 2217
records, held by any federal, state, or local agency, credit 2218
bureau, or financial institution and to provide handwriting 2219
exemplars, photographs, fingerprints, and information as 2220
authorized in this chapter and in rules adopted by the commission. 2221

Sec. 3772.17. (A) The upfront license fee to obtain a license 2222
as a casino operator shall be fifty million dollars per casino 2223
facility, which shall be deposited into the economic development 2224
programs fund, which is created in the state treasury. New casino 2225
operator, management company, and holding company license and 2226
renewal license fees shall be set by rule, subject to the review 2227
of the joint committee on gaming and wagering. 2228

(B) The fee to obtain an application for a casino operator, 2229
management company, or holding company license shall be one 2230
million five hundred thousand dollars per application. The 2231
application fee shall be deposited into the casino control 2232
commission fund. The application fee is nonrefundable. 2233

(C) The license fees for a gaming-related vendor shall be set 2234
by rule, subject to the review of the joint committee on gaming 2235
and wagering. Additionally, the commission may assess an applicant 2236

a reasonable fee in the amount necessary to process a 2237
gaming-related vendor license application. 2238

(D) The license fees for a key employee shall be set by rule, 2239
subject to the review of the joint committee on gaming and 2240
wagering. Additionally, the commission may assess an applicant a 2241
reasonable fee in the amount necessary to process a key employee 2242
license application. If the license is being sought at the request 2243
of a casino operator, such fees shall be paid by the casino 2244
operator. 2245

(E) The license fees for a casino gaming employee shall be 2246
set by rule, subject to the review of the joint committee on 2247
gaming and wagering. If the license is being sought at the request 2248
of a casino operator, the fee shall be paid by the casino 2249
operator. 2250

(F) The license fees for a skill-based amusement machine 2251
distributor shall be set by rule, subject to the review of the 2252
joint committee on gaming and wagering. Additionally, the 2253
commission may assess an applicant a reasonable fee in the amount 2254
necessary to process a skill-based amusement machine distributor 2255
license application. 2256

(G) The license fees for a skill-based amusement machine 2257
operator shall be set by rule, subject to the review of the joint 2258
committee on gaming and wagering. Additionally, the commission may 2259
assess an applicant a reasonable fee in the amount necessary to 2260
process a skill-based amusement machine operator license 2261
application. 2262

(H) The license fees for a sweepstakes terminal device 2263
distributor shall be set by rule, subject to the review of the 2264
joint committee on gaming and wagering. Additionally, the 2265
commission may assess an applicant a reasonable fee in the amount 2266
necessary to process a sweepstakes terminal device distributor 2267

license application. 2268

(I) The license fees for a sweepstakes terminal device 2269
operator shall be set by rule, subject to the review of the joint 2270
committee on gaming and wagering. Additionally, the commission may 2271
assess an applicant a reasonable fee in the amount necessary to 2272
process a sweepstakes terminal device operator license 2273
application. 2274

Sec. 3772.21. (A) Casino gaming equipment and supplies 2275
customarily used in conducting casino gaming shall be purchased or 2276
leased only from gaming-related vendors licensed under this 2277
chapter. A management company owning casino gaming devices, 2278
supplies, and equipment shall be licensed as a gaming-related 2279
vendor under this chapter. 2280

(B) Annually, a gaming-related vendor shall furnish to the 2281
commission a list of all equipment, devices, and supplies offered 2282
for sale or lease in connection with casino gaming authorized 2283
under this chapter. 2284

(C) A gaming-related vendor shall keep books and records for 2285
the furnishing of equipment, devices, and supplies to gaming 2286
operations separate from books and records of any other business 2287
operated by the gaming-related vendor. A gaming-related vendor 2288
shall file a quarterly return with the commission listing all 2289
sales and leases. A gaming-related vendor shall permanently affix 2290
the gaming-related vendor's name to all of the gaming-related 2291
vendor's equipment, devices, and supplies for casino gaming 2292
operations. 2293

(D) A gaming-related vendor's equipment, devices, or supplies 2294
that are used by a person in an unauthorized casino gaming 2295
operation shall be forfeited to the commission. 2296

(E) A skill-based amusement machine distributor shall only 2297

provide skill-based amusement machines that have been approved by 2298
the commission to skill-based amusement machine operators who have 2299
received a skill-based amusement machine operator's license from 2300
the commission. The skill-based amusement machine distributor 2301
shall accept payment only by check or electronic funds transfer as 2302
approved by the commission for offering skill-based amusement 2303
machines in this state. 2304

(F) At least once a year, as determined by the commission, a 2305
skill-based amusement machine distributor shall furnish to the 2306
commission a list of all equipment, devices, and supplies offered 2307
for sale or lease by that distributor in this state. 2308

(G) A sweepstakes terminal device distributor shall only 2309
provide sweepstakes terminal devices that have been approved by 2310
the commission to sweepstakes terminal device operators who have 2311
received a sweepstakes terminal device operator's license from the 2312
commission. The sweepstakes terminal device distributor shall 2313
accept payment only by check or electronic funds transfer as 2314
approved by the commission for offering sweepstakes terminal 2315
devices in this state. 2316

(H) At least once a year, as determined by the commission, a 2317
sweepstakes terminal device distributor shall furnish to the 2318
commission a list of all equipment, devices, and supplies offered 2319
for sale or lease by that distributor in this state. 2320

(I) Each skill-based amusement machine distributor and 2321
sweepstakes terminal device distributor shall keep books and 2322
records for the furnishing of equipment, devices, and supplies to 2323
gaming operations separate from books and records of any other 2324
business operated by the distributor. Each skill-based amusement 2325
machine distributor and sweepstakes terminal device distributor 2326
shall file a quarterly return with the commission listing all 2327
sales and leases. A skill-based amusement machine distributor and 2328
a sweepstakes terminal device distributor shall permanently affix 2329

the distributor's name, as filed with the commission, to all of 2330
the distributor's gaming-related equipment, devices, and supplies 2331
used or offered for sale in this state. 2332

Sec. 3772.23. (A) All tokens, chips, or electronic cards that 2333
are used to make wagers shall be purchased from the casino 2334
operator or management company while at a casino facility that has 2335
been approved by the commission. Chips, tokens, tickets, 2336
electronic cards, or similar objects may be used while at the 2337
casino facility only for the purpose of making wagers on casino 2338
games. 2339

(B) Casino operators ~~and~~, management companies, skill-based 2340
amusement machine distributors, skill-based amusement machine 2341
operators, sweepstakes terminal device distributors, and 2342
sweepstakes terminal device operators shall not do any of the 2343
following: 2344

(1) Obtain a license to operate a check-cashing business 2345
under sections 1315.01 to 1315.30 of the Revised Code; 2346

(2) Obtain a license to provide loans under sections 1321.01 2347
to 1321.19 of the Revised Code; 2348

(3) Obtain a license to provide loans under sections 1321.35 2349
to 1321.48 of the Revised Code. 2350

Sec. 3772.30. (A) If any person violates this chapter or a 2351
rule adopted thereunder, the attorney general has a cause of 2352
action to restrain the violation. Such an action is a civil 2353
action, governed by the Rules of Civil Procedure. Upon receiving a 2354
request from the commission or the executive director, the 2355
attorney general ~~shall~~ may commence and prosecute such an action 2356
to completion. The court shall give priority to such an action 2357
over all other civil actions. Such an action does not preclude an 2358
administrative or criminal proceeding on the same facts. 2359

(B) The attorney general may enter into agreements with any 2360
state or local law enforcement agency to carry out its duties. 2361

(C) A sheriff, chief of police, and prosecuting attorney 2362
shall furnish to the commission, on prescribed forms, all 2363
information obtained during the course of any substantial 2364
investigation or prosecution if it appears a violation of this 2365
chapter has occurred. Any such information is not a public record, 2366
as defined in section 149.43 of the Revised Code, until such 2367
information would otherwise become a public record. 2368

Sec. 3772.31. (A) The commission, by and through the 2369
executive director of the commission and as required under section 2370
125.05 of the Revised Code, may enter into contracts necessary to 2371
ensure the proper operation and reporting of all ~~casino~~ licensed 2372
gaming authorized under this chapter. The commission may determine 2373
it to be necessary and adopt rules to authorize a central system. 2374
The system shall be operated by or under the commission's control. 2375
If the commission determines that a central system is necessary 2376
and adopts rules authorizing a central system, casino operators 2377
shall be responsible for the costs of the central system as it 2378
relates to casino facilities. Skill-based amusement machine 2379
operators and sweepstakes terminal device operators shall be 2380
responsible for the costs of the central system if the system is 2381
only for skill-based amusement machine gaming and sweepstakes 2382
terminal device gaming as authorized under this chapter. 2383

(B) The commission shall certify independent testing 2384
laboratories to scientifically test and technically evaluate all 2385
slot machines, mechanical, electromechanical, or electronic table 2386
games, slot accounting systems, and other electronic gaming 2387
equipment for compliance with this chapter. The certified 2388
independent testing laboratories shall be accredited by a national 2389
accreditation body. The commission shall certify an independent 2390

testing laboratory if it is competent and qualified to 2391
scientifically test and evaluate electronic gaming equipment for 2392
compliance with this chapter and to otherwise perform the 2393
functions assigned to an independent testing laboratory under this 2394
chapter. An independent testing laboratory shall not be owned or 2395
controlled by, or have any interest in, a gaming-related vendor of 2396
electronic gaming equipment. The commission shall prepare a list 2397
of certified independent testing laboratories from which 2398
independent testing laboratories shall be chosen for all purposes 2399
under this chapter. 2400

Sec. 3772.34. (A) In carrying out the responsibilities 2401
delegated in section 3772.03 of the Revised Code, the commission 2402
may issue a sweepstakes terminal device distributor license if the 2403
applicant meets all requirements under this chapter and any rule 2404
adopted by the commission, and meets all requirements under 2405
Chapter 2915. of the Revised Code. 2406

(B) A person may apply for a sweepstakes terminal device 2407
distributor license. The application shall be made under oath on a 2408
form provided by the commission, and shall contain information as 2409
prescribed by rule including, but not limited to, any information 2410
required by the commission to determine if the applicant is 2411
compliant with the Revised Code and all rules adopted by the 2412
commission. The application shall be accompanied by a license fee 2413
as determined by commission rule, and a nonrefundable license 2414
application fee as described in section 3772.17 of the Revised 2415
Code, which shall cover all actual costs generated by each 2416
applicant and all background checks. 2417

(C) Before a sweepstakes terminal device distributor license 2418
is issued, the applicant shall have all sweepstakes terminal 2419
devices examined and approved by a certified independent testing 2420
laboratory under section 3772.31 of the Revised Code. 2421

(D) The commission may limit, place conditions on, restrict, 2422
suspend, or revoke a license issued under this chapter for any 2423
violation of this chapter or the rules adopted under this chapter 2424
or for any violation of Chapter 2915. of the Revised Code. 2425

Sec. 3772.35. (A) In carrying out the responsibilities 2426
delegated in section 3772.03 of the Revised Code, the commission 2427
may issue a sweepstakes terminal device operator license if the 2428
applicant meets all requirements under this chapter and any rule 2429
adopted by the commission, and meets all requirements under 2430
Chapter 2915. of the Revised Code. 2431

(B) A sweepstakes terminal device operator licensee shall 2432
have the following restrictions: 2433

(1) There shall be not more than five sweepstakes terminal 2434
devices in any licensed location. 2435

(2) No beer or intoxicating liquor shall be served or 2436
consumed in any licensed location. 2437

(3) A sweepstakes terminal device operator, including that 2438
operator's partners, affiliates, subsidiaries, and contractors, 2439
shall operate not more than two licensed locations. 2440

(C) The commission shall limit the number of sweepstakes 2441
terminal device licenses in each county based on the following: 2442

(1) If the county has a population of fifty thousand or less, 2443
the commission shall issue not more than four licenses. 2444

(2) If the county has a population greater than fifty 2445
thousand, but less than one hundred thousand, the commission shall 2446
issue not more than eight licenses. 2447

(3) If the county has a population of one hundred thousand or 2448
greater, but less than two hundred thousand, the commission shall 2449
issue not more than sixteen licenses. 2450

(4) If the county has a population of two hundred thousand or greater, but less than five hundred thousand, the commission shall issue not more than thirty-two licenses.

(5) If the county has a population of five hundred thousand or greater, the commission shall issue not more than sixty-four licenses.

(D) A person may apply for a sweepstakes terminal device operator license. The application shall be made under oath on a form provided by the commission and shall contain information as prescribed by rule including, but not limited to, any information required by the commission to determine if the location is compliant with the Revised Code and all rules adopted by the commission. The application shall be accompanied by a license fee as determined by commission rule, and a nonrefundable license application fee as described in section 3772.17 of the Revised Code, which shall cover all actual costs generated by each applicant and all background checks.

(E) The commission may limit, place conditions on, restrict, suspend, or revoke a license issued under this chapter for any violation of this chapter or the rules adopted under this chapter or for any violation of Chapter 2915. of the Revised Code.

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.

(B) If a ~~licensed casino operator, management company, holding company, gaming-related vendor, or key employee licensee~~ violates this chapter or engages in a fraudulent act, the commission may suspend or revoke the license and may do either or both of the following:

(1) Suspend, revoke, or restrict the casino gaming operations of a casino operator;	2481 2482
(2) Require the removal of a management company, key employee, or discontinuance of services from a gaming-related vendor;	2483 2484 2485
<u>(3) Suspend, revoke, or restrict the operations of any licensee.</u>	2486 2487
(C) The commission shall impose civil penalties against a person who violates this chapter under the penalties adopted by commission rule and reviewed by the joint committee on gaming and wagering.	2488 2489 2490 2491
(D) A person who knowingly or intentionally does any of the following commits a misdemeanor of the first degree on the first offense and a felony of the fifth degree for a subsequent offense:	2492 2493 2494
(1) Makes a false statement on an application submitted under this chapter;	2495 2496
(2) Permits a person less than twenty-one years of age to make a wager;	2497 2498
(3) Aids, induces, or causes a person less than twenty-one years of age who is not an employee of the casino gaming operation to enter or attempt to enter a casino facility;	2499 2500 2501
(4) Enters or attempts to enter a casino facility while under twenty-one years of age, unless the person enters a designated area as described in section 3772.24 of the Revised Code;	2502 2503 2504
(5) Wagers or accepts a wager at a location other than a casino facility;	2505 2506
(6) Is a casino operator or employee and participates in casino gaming other than as part of operation or employment.	2507 2508
(E) A person who knowingly or intentionally does any of the following commits a felony of the fifth degree on a first offense	2509 2510

and a felony of the fourth degree for a subsequent offense. If the 2511
person is a licensee under this chapter, the commission shall 2512
revoke the person's license after the first offense. 2513

(1) Offers, promises, or gives anything of value or benefit 2514
to a person who is connected with ~~the casino operator, management~~ 2515
~~company, holding company, or gaming-related vendor~~ a licensee, 2516
including their officers and employees, under an agreement to 2517
influence or with the intent to influence the actions of the 2518
person to whom the offer, promise, or gift was made in order to 2519
affect or attempt to affect the outcome of ~~a casino game~~ licensee 2520
operations or an official action of a commission member; 2521

(2) Solicits, accepts, or receives a promise of anything of 2522
value or benefit while the person is connected with a casino, 2523
including an officer or employee of a ~~casino operator, management~~ 2524
~~company, or gaming-related vendor~~ licensee, under an agreement to 2525
influence or with the intent to influence the actions of the 2526
person to affect or attempt to affect the outcome of ~~a casino game~~ 2527
licensee operations or an official action of a commission member; 2528

(3) Uses or possesses with the intent to use a device to 2529
assist in projecting the outcome of the game, keeping track of the 2530
cards played, analyzing the probability of the occurrence of an 2531
event relating to the casino game, or analyzing the strategy for 2532
playing or betting to be used in the game, except as permitted by 2533
the commission; 2534

(4) Cheats at a ~~casino~~ game of a licensee; 2535

(5) Manufactures, sells, or distributes any cards, chips, 2536
dice, game, or device that is intended to be used to violate this 2537
chapter; 2538

(6) Alters or misrepresents the outcome of a ~~casino~~ game of a 2539
licensee on which wagers have been made after the outcome is made 2540
sure but before the outcome is revealed to the players; 2541

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

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

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

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

(11) Uses or possesses counterfeit chips or tokens in or for use in a ~~casino~~ game of a licensee;

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

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

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

(F) The possession of more than one of the devices described

in division (E)(11), (12), or (13) of this section creates a 2572
rebuttable presumption that the possessor intended to use the 2573
devices for cheating. 2574

(G) A person who is convicted of a felony described in this 2575
chapter or Chapter 2915. of the Revised Code may be barred for 2576
life from entering a ~~casino~~ licensed facility by the commission. 2577

(H) A person who is convicted of a criminal offense described 2578
in this chapter or Chapter 2915. of the Revised Code may be barred 2579
for a period of up to five years from entering a licensed location 2580
by the commission. 2581

Section 2. That existing sections 2915.01, 2915.03, 2915.06, 2582
2915.061, 2915.08, 2915.09, 3772.01, 3772.02, 3772.03, 3772.032, 2583
3772.033, 3772.04, 3772.06, 3772.07, 3772.10, 3772.17, 3772.21, 2584
3772.23, 3772.30, 3772.31, and 3772.99 of the Revised Code are 2585
hereby repealed. 2586

Section 3. Beginning six months after the effective date of 2587
the rules adopted by the Ohio Casino Control Commission under 2588
section 3772.03 of the Revised Code, as amended by this act, any 2589
person who conducts a skill-based amusement machine or sweepstakes 2590
terminal device without a license issued by the Commission is 2591
considered to be in violation of division (B) of section 2915.06 2592
of the Revised Code in the case of skill-based amusement machines 2593
or division (A)(2) of section 2915.062 of the Revised Code in the 2594
case of sweepstakes terminal devices. 2595