

**As Reported by the House State Government and Elections  
Committee**

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

**Sub. H. B. No. 386**

**Representative Blessing**

**Cosponsors: Representatives Gerberry, Combs, Letson**

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**A B I L L**

To amend sections 111.15, 122.014, 173.121, 2505.09,	1
2505.12, 2915.01, 2915.02, 2915.06, 2915.08,	2
2915.09, 2915.091, 2915.092, 2915.093, 2915.094,	3
2915.10, 2915.101, 2915.12, 2923.31, 2933.51,	4
3301.0714, 3769.08, 3769.087, 3769.089, 3770.02,	5
3770.03, 3770.05, 3770.07, 3770.071, 3770.21,	6
3772.01, 3772.03, 3772.04, 3772.091, 3772.10,	7
3772.13, 3772.16, 3772.17, 3772.28, 3772.99,	8
4301.03, 4303.17, 5753.01, and 5753.03, to enact	9
sections 121.421, 2505.122, 2915.18, and 3770.22,	10
and to repeal section 3772.14 of the Revised Code	11
and to amend Section 261.20.90 of Am. Sub. H.B.	12
153 of the 129th General Assembly, to amend	13
Section 3 of Sub. H.B. 277 of the 129th General	14
Assembly, and to repeal Section 4 of Sub. H.B. 277	15
of the 129th General Assembly to make changes to	16
the law regarding video lottery terminals, casino	17
gaming, bingo and instant bingo, and horse racing,	18
to require thoroughbred and standardbred racing	19
permit holders to pay a local tax, to create	20
charity card rooms, to make appropriations, and to	21
declare an emergency.	22

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

**Section 1.** That sections 111.15, 122.014, 173.121, 2505.09, 23  
2505.12, 2915.01, 2915.02, 2915.06, 2915.08, 2915.09, 2915.091, 24  
2915.092, 2915.093, 2915.094, 2915.10, 2915.101, 2915.12, 2923.31, 25  
2933.51, 3301.0714, 3769.08, 3769.087, 3769.089, 3770.02, 3770.03, 26  
3770.05, 3770.07, 3770.071, 3770.21, 3772.01, 3772.03, 3772.04, 27  
3772.091, 3772.10, 3772.13, 3772.16, 3772.17, 3772.28, 3772.99, 28  
4301.03, 4303.17, 5753.01, and 5753.03 be amended and sections 29  
121.421, 2505.122, 2915.18, and 3770.22 of the Revised Code be 30  
enacted to read as follows: 31

**Sec. 111.15.** (A) As used in this section: 32

(1) "Rule" includes any rule, regulation, bylaw, or standard 33  
having a general and uniform operation adopted by an agency under 34  
the authority of the laws governing the agency; any appendix to a 35  
rule; and any internal management rule. "Rule" does not include 36  
any guideline adopted pursuant to section 3301.0714 of the Revised 37  
Code, any order respecting the duties of employees, any finding, 38  
any determination of a question of law or fact in a matter 39  
presented to an agency, or any rule promulgated pursuant to 40  
Chapter 119., section 4141.14, division (C)(1) or (2) of section 41  
5117.02, or section 5703.14 of the Revised Code. "Rule" includes 42  
any amendment or rescission of a rule. 43

(2) "Agency" means any governmental entity of the state and 44  
includes, but is not limited to, any board, department, division, 45  
commission, bureau, society, council, institution, state college 46  
or university, community college district, technical college 47  
district, or state community college. "Agency" does not include 48  
the general assembly, the controlling board, the adjutant 49  
general's department, or any court. 50

(3) "Internal management rule" means any rule, regulation, bylaw, or standard governing the day-to-day staff procedures and operations within an agency.

(4) "Substantive revision" has the same meaning as in division (J) of section 119.01 of the Revised Code.

(B)(1) Any rule, other than a rule of an emergency nature, adopted by any agency pursuant to this section shall be effective on the tenth day after the day on which the rule in final form and in compliance with division (B)(3) of this section is filed as follows:

(a) The rule shall be filed in electronic form with both the secretary of state and the director of the legislative service commission;

(b) The rule shall be filed in electronic form with the joint committee on agency rule review. Division (B)(1)(b) of this section does not apply to any rule to which division (D) of this section does not apply.

An agency that adopts or amends a rule that is subject to division (D) of this section shall assign a review date to the rule that is not later than five years after its effective date. If no review date is assigned to a rule, or if a review date assigned to a rule exceeds the five-year maximum, the review date for the rule is five years after its effective date. A rule with a review date is subject to review under section 119.032 of the Revised Code. This paragraph does not apply to a rule of a state college or university, community college district, technical college district, or state community college.

If all filings are not completed on the same day, the rule shall be effective on the tenth day after the day on which the latest filing is completed. If an agency in adopting a rule designates an effective date that is later than the effective date

provided for by division (B)(1) of this section, the rule if filed 82  
as required by such division shall become effective on the later 83  
date designated by the agency. 84

Any rule that is required to be filed under division (B)(1) 85  
of this section is also subject to division (D) of this section if 86  
not exempted by division (D)(1), (2), (3), (4), (5), (6), (7), or 87  
(8) of this section. 88

If a rule incorporates a text or other material by reference, 89  
the agency shall comply with sections 121.71 to 121.76 of the 90  
Revised Code. 91

(2) A rule of an emergency nature necessary for the immediate 92  
preservation of the public peace, health, or safety shall state 93  
the reasons for the necessity. The emergency rule, in final form 94  
and in compliance with division (B)(3) of this section, shall be 95  
filed in electronic form with the secretary of state, the director 96  
of the legislative service commission, and the joint committee on 97  
agency rule review. The emergency rule is effective immediately 98  
upon completion of the latest filing, except that if the agency in 99  
adopting the emergency rule designates an effective date, or date 100  
and time of day, that is later than the effective date and time 101  
provided for by division (B)(2) of this section, the emergency 102  
rule if filed as required by such division shall become effective 103  
at the later date, or later date and time of day, designated by 104  
the agency. 105

An emergency rule becomes invalid at the end of the ninetieth 106  
day it is in effect. Prior to that date, the agency may file the 107  
emergency rule as a nonemergency rule in compliance with division 108  
(B)(1) of this section. The agency may not refile the emergency 109  
rule in compliance with division (B)(2) of this section so that, 110  
upon the emergency rule becoming invalid under such division, the 111  
emergency rule will continue in effect without interruption for 112  
another ninety-day period. 113

(3) An agency shall file a rule under division (B)(1) or (2) 114  
of this section in compliance with the following standards and 115  
procedures: 116

(a) The rule shall be numbered in accordance with the 117  
numbering system devised by the director for the Ohio 118  
administrative code. 119

(b) The rule shall be prepared and submitted in compliance 120  
with the rules of the legislative service commission. 121

(c) The rule shall clearly state the date on which it is to 122  
be effective and the date on which it will expire, if known. 123

(d) Each rule that amends or rescinds another rule shall 124  
clearly refer to the rule that is amended or rescinded. Each 125  
amendment shall fully restate the rule as amended. 126

If the director of the legislative service commission or the 127  
director's designee gives an agency notice pursuant to section 128  
103.05 of the Revised Code that a rule filed by the agency is not 129  
in compliance with the rules of the legislative service 130  
commission, the agency shall within thirty days after receipt of 131  
the notice conform the rule to the rules of the commission as 132  
directed in the notice. 133

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 134  
of this section shall be recorded by the secretary of state and 135  
the director under the title of the agency adopting the rule and 136  
shall be numbered according to the numbering system devised by the 137  
director. The secretary of state and the director shall preserve 138  
the rules in an accessible manner. Each such rule shall be a 139  
public record open to public inspection and may be transmitted to 140  
any law publishing company that wishes to reproduce it. 141

(D) At least sixty-five days before a board, commission, 142  
department, division, or bureau of the government of the state 143  
files a rule under division (B)(1) of this section, it shall file 144

the full text of the proposed rule in electronic form with the joint committee on agency rule review, and the proposed rule is subject to legislative review and invalidation under division (I) of section 119.03 of the Revised Code. If a state board, commission, department, division, or bureau makes a substantive revision in a proposed rule after it is filed with the joint committee, the state board, commission, department, division, or bureau shall promptly file the full text of the proposed rule in its revised form in electronic form with the joint committee. The latest version of a proposed rule as filed with the joint committee supersedes each earlier version of the text of the same proposed rule. Except as provided in division (F) of this section, a state board, commission, department, division, or bureau shall also file the rule summary and fiscal analysis prepared under section 127.18 of the Revised Code in electronic form along with a proposed rule, and along with a proposed rule in revised form, that is filed under this division. If a proposed rule has an adverse impact on businesses, the state board, commission, department, division, or bureau also shall file the business impact analysis, any recommendations received from the common sense initiative office, and the associated memorandum of response, if any, in electronic form along with the proposed rule, or the proposed rule in revised form, that is filed under this division.

As used in this division, "commission" includes the public utilities commission when adopting rules under a federal or state statute.

This division does not apply to any of the following:

(1) A proposed rule of an emergency nature;

(2) A rule proposed under section 1121.05, 1121.06, 1155.18, 1163.22, 1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4123.342, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised

Code;	177
(3) A rule proposed by an agency other than a board, commission, department, division, or bureau of the government of the state;	178 179 180
(4) A proposed internal management rule of a board, commission, department, division, or bureau of the government of the state;	181 182 183
(5) Any proposed rule that must be adopted verbatim by an agency pursuant to federal law or rule, to become effective within sixty days of adoption, in order to continue the operation of a federally reimbursed program in this state, so long as the proposed rule contains both of the following:	184 185 186 187 188
(a) A statement that it is proposed for the purpose of complying with a federal law or rule;	189 190
(b) A citation to the federal law or rule that requires verbatim compliance.	191 192
(6) An initial rule proposed by the director of health to impose safety standards and quality-of-care standards with respect to a health service specified in section 3702.11 of the Revised Code, or an initial rule proposed by the director to impose quality standards on a facility listed in division (A)(4) of section 3702.30 of the Revised Code, if section 3702.12 of the Revised Code requires that the rule be adopted under this section;	193 194 195 196 197 198 199
(7) A rule of the state lottery commission pertaining to <del>instant</del> game rules <u>as provided in division (A) of section 3770.03</u> <u>of the Revised Code.</u>	200 201 202
If a rule is exempt from legislative review under division (D)(5) of this section, and if the federal law or rule pursuant to which the rule was adopted expires, is repealed or rescinded, or otherwise terminates, the rule is thereafter subject to	203 204 205 206

legislative review under division (D) of this section. 207

(E) Whenever a state board, commission, department, division, 208  
or bureau files a proposed rule or a proposed rule in revised form 209  
under division (D) of this section, it shall also file the full 210  
text of the same proposed rule or proposed rule in revised form in 211  
electronic form with the secretary of state and the director of 212  
the legislative service commission. Except as provided in division 213  
(F) of this section, a state board, commission, department, 214  
division, or bureau shall file the rule summary and fiscal 215  
analysis prepared under section 127.18 of the Revised Code in 216  
electronic form along with a proposed rule or proposed rule in 217  
revised form that is filed with the secretary of state or the 218  
director of the legislative service commission. 219

(F) Except as otherwise provided in this division, the 220  
auditor of state or the auditor of state's designee is not 221  
required to file a rule summary and fiscal analysis along with a 222  
proposed rule, or proposed rule in revised form, that the auditor 223  
of state proposes under section 117.12, 117.19, 117.38, or 117.43 224  
of the Revised Code and files under division (D) or (E) of this 225  
section. 226

Sec. 121.421. (A) Notwithstanding division (D)(3) of section 227  
121.41 of the Revised Code, the inspector general shall do the 228  
following to determine whether wrongful acts or omissions have 229  
been committed or are being committed by present or former 230  
employees: 231

(1) Investigate employees of the office of the attorney 232  
general who are contractually vested with duties to enforce 233  
Chapter 3772. of the Revised Code; 234

(2) Provide support in furtherance of enforcing Chapter 3772. 235  
of the Revised Code. 236



(B) The inspector general and each deputy inspector may 237  
administer oaths, examine witnesses under oath, and issue 238  
subpoenas and subpoenas duces tecum to compel the attendance of 239  
witnesses and the production of all kinds of books, records, 240  
papers, and tangible things. Upon the refusal of a witness to be 241  
sworn or to answer any question put to the witness, or if a person 242  
disobeys a subpoena, the inspector general shall apply to the 243  
court of common pleas for a contempt order, as in the case of 244  
disobedience to the requirements of a subpoena issued from the 245  
court of common pleas, or a refusal to testify in the court. 246

(C) The inspector general may enter into any contracts that 247  
are necessary to complete an investigation. The contracts may 248  
include contracts for the services of persons who are experts in a 249  
particular field and whose expertise is necessary for successful 250  
completion of the investigation. 251

(D) If the authority of the attorney general terminates or 252  
expires, the authority vested in the inspector general by this 253  
section terminates upon the conclusion of ongoing investigations 254  
or upon issuance of the final report of the investigations. 255

**Sec. 122.014.** (A) As used in this section, "gaming" 256  
activities" means activities conducted in connection with or that 257  
include any of the following: 258

(1) Casino gaming, as authorized and defined in Section 6(C) 259  
of Article XV, Ohio Constitution; 260

(2) Casino gaming, as defined in division ~~(D)~~(E) of section 261  
3772.01 of the Revised Code; or 262

(3) The pari-mutuel system of wagering as authorized and 263  
described in Chapter 3769. of the Revised Code. 264

(B) The department of development or any other entity that 265  
administers any program or development project established under 266

Chapter 122., 166., or 184. of the Revised Code or in sections 267  
149.311, 5709.87, or 5709.88 of the Revised Code shall not provide 268  
any financial assistance, including loans, tax credits, and 269  
grants, staffing assistance, technical support, or other 270  
assistance to businesses conducting gaming activities or for 271  
project sites on which gaming activities are or will be conducted. 272

**Sec. 173.121.** (A) As used in this section, "bingo," "bingo 273  
game operator," and "participant" have the same meanings as in 274  
section 2915.01 of the Revised Code. 275

(B) Notwithstanding sections 2915.07 to 2915.13 of the 276  
Revised Code, a multipurpose senior center may conduct bingo games 277  
described in division ~~(S)~~(O)(1) of section 2915.01 of the Revised 278  
Code, but only if it complies with all of the following 279  
requirements: 280

(1) All bingo games are conducted only on the premises of the 281  
facility. 282

(2) All participants are sixty years of age or older. 283

(3) All bingo game operators are sixty years of age or older 284  
and receive no compensation for serving as operators. 285

(4) No participant is charged an admission fee, and no 286  
participant is charged more than twenty-five cents to purchase a 287  
bingo card or sheet. 288

(5) All proceeds from games are used only for any of the 289  
following: 290

(a) To pay winners monetary or nonmonetary prizes; 291

(b) To provide refreshments; 292

(c) To defray any costs directly related to conducting the 293  
games; 294

(d) To defray costs of services the facility provides in 295

accordance with section 173.12 of the Revised Code. 296

**Sec. 2505.09.** Except as provided in section 2505.11 or 297  
2505.12 or another section of the Revised Code or in applicable 298  
rules governing courts, the perfection of an appeal, including an 299  
administrative-related appeal, does not operate as a stay of 300  
execution until a stay of execution has been obtained pursuant to 301  
the Rules of Appellate Procedure or in another applicable manner, 302  
and a supersedeas bond is executed by the appellant to the 303  
appellee, with sufficient sureties and, subject to section 304  
2505.122 of the Revised Code, in a sum that is not less than, if 305  
applicable, the cumulative total for all claims covered by the 306  
final order, judgment, or decree and interest involved, except 307  
that the bond shall not exceed fifty million dollars excluding 308  
interest and costs, as directed by the court that rendered the 309  
final order, judgment, or decree that is sought to be superseded 310  
or by the court to which the appeal is taken. That bond shall be 311  
conditioned as provided in section 2505.14 of the Revised Code. 312

**Sec. 2505.12.** An appellant is not required to give a 313  
supersedeas bond in connection with any of the following: 314

(A) ~~An~~ Perfection of an appeal by any of the following: 315

(1) An executor, administrator, guardian, receiver, trustee, 316  
or trustee in bankruptcy who is acting in that person's trust 317  
capacity and who has given bond in this state, with surety 318  
according to law; 319

(2) The state or any political subdivision of the state; 320

(3) Any public officer of the state or of any of its 321  
political subdivisions who is suing or is sued solely in the 322  
public officer's representative capacity as that officer. 323

(B) ~~An~~ Perfection of an administrative-related appeal of a 324  
final order that is not for the payment of money. 325

Sec. 2505.122. Any appellant who obtains a stay of execution 326  
pending the appeal of a final order, adjudication, or decision 327  
pursuant to section 2506.01 of the Revised Code shall 328  
simultaneously execute a supersedeas bond to the appellee with 329  
sufficient sureties and in an amount established in section 330  
2505.09 of the Revised Code. In establishing the amount of the 331  
bond, the court shall give great weight and due consideration to 332  
the reasonable value of the matter at issue in the final order, 333  
adjudication, or decision, the circumstances giving rise to the 334  
appeal, and the economic impact of other consequences of delay to 335  
the appellee and to those prevented from taking action that was 336  
permitted by the final order, adjudication, or decision. 337

**Sec. 2915.01.** As used in this chapter: 338

(A) "Bookmaking" means the business of receiving or paying 339  
off bets. 340

(B) "Bet" means the hazarding of anything of value upon the 341  
result of an event, undertaking, or contingency, but does not 342  
include a bona fide business risk. 343

(C) "Scheme of chance" means a slot machine, lottery, numbers 344  
game, pool conducted for profit, or other scheme in which a 345  
participant gives a valuable consideration for a chance to win a 346  
prize, but does not include bingo, a skill-based amusement 347  
machine, or a pool not conducted for profit. 348

(D) "Game of chance" means poker, craps, roulette, or other 349  
game in which a player gives anything of value in the hope of 350  
gain, the outcome of which is determined largely by chance, but 351  
does not include bingo. 352

(E) "Game of chance conducted for profit" means any game of 353  
chance designed to produce income for the person who conducts or 354  
operates the game of chance, but does not include bingo. 355

(F) "Gambling device" means any of the following:	356
(1) A book, totalizer, or other equipment for recording bets;	357
(2) A ticket, token, or other device representing a chance, share, or interest in a scheme of chance or evidencing a bet;	358 359
(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;	360 361 362
(4) Any equipment, device, apparatus, or paraphernalia specially designed for gambling purposes;	363 364
(5) Bingo supplies sold or otherwise provided, or used, in violation of this chapter.	365 366
(G) "Gambling offense" means any of the following:	367
(1) A violation of section 2915.02, 2915.03, 2915.04, 2915.05, 2915.06, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 2915.092, 2915.10, or 2915.11 of the Revised Code;	368 369 370
(2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any section listed in division (G)(1) of this section or a violation of section 2915.06 of the Revised Code as it existed prior to July 1, 1996;	371 372 373 374 375
(3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States, of which gambling is an element;	376 377 378
(4) A conspiracy or attempt to commit, or complicity in committing, any offense under division (G)(1), (2), or (3) of this section.	379 380 381
(H) Except as otherwise provided in this chapter, "charitable organization" means <del>any tax exempt religious, educational, veteran's, fraternal, sporting, service, nonprofit medical, volunteer rescue service, volunteer firefighter's, senior</del>	382 383 384 385

~~citizen's, historic railroad educational, youth athletic, amateur  
athletic, or youth athletic park organization. An organization is  
tax exempt if the organization is either of the following:~~ 386  
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~~(1) An organization that is, and has received from the  
internal revenue service a determination letter that currently is  
in effect stating that the organization is, exempt from federal  
income taxation under subsection 501(a) and described in  
subsection 501(c)(3), 501(e)(4), 501(e)(8), 501(e)(10), or  
501(e)(19) of the Internal Revenue Code, or if the organization is  
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~~(2) A volunteer rescue service organization, volunteer  
firefighter's organization, veteran's organization, fraternal  
organization, or sporting organization that is exempt from federal  
income taxation under subsection 501(a) and is described in  
subsection 501(c)(4), (c)(7), (c)(8), (c)(10), or (c)(19) of the  
Internal Revenue Code. To~~ 396  
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~~To qualify as a "charitable organization," an organization,  
except a volunteer rescue service or volunteer firefighter's  
organization, shall have been in continuous existence as such in  
this state for a period of two years immediately preceding either  
the making of an application for a bingo license under section  
2915.08 of the Revised Code or the conducting of any game of  
chance as provided in division (D) of section 2915.02 of the  
Revised Code. A charitable organization that is exempt from  
federal income taxation under subsection 501(a) and described in  
subsection 501(e)(3) of the Internal Revenue Code and that is  
created by a veteran's organization, a fraternal organization, or  
a sporting organization does not have to have been in continuous  
existence as such in this state for a period of two years  
immediately preceding either the making of an application for a  
bingo license under section 2915.08 of the Revised Code or the  
conducting of any game of chance as provided in division (D) of~~ 402  
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~~section 2915.02 of the Revised Code.~~ 418

(I) "Religious organization" means any church, body of 419  
communicants, or group that is not organized or operated for 420  
profit and that gathers in common membership for regular worship 421  
and religious observances. 422

~~(J) "Educational organization" means any organization within 423  
this state that is not organized for profit, the primary purpose 424  
of which is to educate and develop the capabilities of individuals 425  
through instruction by means of operating or contributing to the 426  
support of a school, academy, college, or university. 427~~

~~(K)~~ "Veteran's organization" means any individual post or 428  
state headquarters of a national veteran's association or an 429  
auxiliary unit of any individual post of a national veteran's 430  
association, which post, state headquarters, or auxiliary unit is 431  
incorporated as a nonprofit corporation and either has received a 432  
letter from the state headquarters of the national veteran's 433  
association indicating that the individual post or auxiliary unit 434  
is in good standing with the national veteran's association or has 435  
received a letter from the national veteran's association 436  
indicating that the state headquarters is in good standing with 437  
the national veteran's association. As used in this division, 438  
"national veteran's association" means any veteran's association 439  
that has been in continuous existence as such for a period of at 440  
least five years and either is incorporated by an act of the 441  
United States congress or has a national dues-paying membership of 442  
at least five thousand persons. 443

~~(L)~~(K) "Volunteer firefighter's organization" means any 444  
organization of volunteer firefighters, as defined in section 445  
146.01 of the Revised Code, that is organized and operated 446  
exclusively to provide financial support for a volunteer fire 447  
department or a volunteer fire company and that is recognized or 448  
ratified by a county, municipal corporation, or township. 449

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

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

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

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

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



~~(P) "Nonprofit medical organization" means either of the following:~~ 482  
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~~(1) Any organization that has been incorporated as a nonprofit corporation for at least five years and that has continuously operated and will be operated exclusively to provide, or to contribute to the support of organizations or institutions organized and operated exclusively to provide, hospital, medical, research, or therapeutic services for the public;~~ 484  
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~~(2) Any organization that is described and qualified under subsection 501(c)(3) of the Internal Revenue Code, that has been incorporated as a nonprofit corporation for at least five years, and that has continuously operated and will be operated primarily to provide, or to contribute to the support of organizations or institutions organized and operated primarily to provide, hospital, medical, research, or therapeutic services for the public.~~ 490  
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~~(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.~~ 498  
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~~(R)~~(N) "Charitable bingo game" means any bingo game described in division ~~(S)~~(O)(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. 504  
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~~(S)~~(O) "Bingo" means either of the following: 509

(1) A game with all of the following characteristics: 510

(a) The participants use bingo cards or sheets, including paper formats and electronic representation or image formats, that 511  
512

are divided into twenty-five spaces arranged in five horizontal 513  
and five vertical rows of spaces, with each space, except the 514  
central space, being designated by a combination of a letter and a 515  
number and with the central space being designated as a free 516  
space. 517

(b) The participants cover the spaces on the bingo cards or 518  
sheets that correspond to combinations of letters and numbers that 519  
are announced by a bingo game operator. 520

(c) A bingo game operator announces combinations of letters 521  
and numbers that appear on objects that a bingo game operator 522  
selects by chance, either manually or mechanically, from a 523  
receptacle that contains seventy-five objects at the beginning of 524  
each game, each object marked by a different combination of a 525  
letter and a number that corresponds to one of the seventy-five 526  
possible combinations of a letter and a number that can appear on 527  
the bingo cards or sheets. 528

(d) The winner of the bingo game includes any participant who 529  
properly announces during the interval between the announcements 530  
of letters and numbers as described in division ~~(S)~~(O)(1)(c) of 531  
this section, that a predetermined and preannounced pattern of 532  
spaces has been covered on a bingo card or sheet being used by the 533  
participant. 534

(2) Instant bingo, punch boards, and raffles. 535

~~(T)~~(P) "Conduct" means to back, promote, organize, manage, 536  
carry on, sponsor, or prepare for the operation of bingo or a game 537  
of chance. 538

~~(U)~~(O) "Bingo game operator" means any person, except 539  
security personnel, who performs work or labor at the site of 540  
bingo, including, but not limited to, collecting money from 541  
participants, handing out bingo cards or sheets or objects to 542  
cover spaces on bingo cards or sheets, selecting from a receptacle 543

the objects that contain the combination of letters and numbers 544  
that appear on bingo cards or sheets, calling out the combinations 545  
of letters and numbers, distributing prizes, selling or redeeming 546  
instant bingo tickets or cards, supervising the operation of a 547  
punch board, selling raffle tickets, selecting raffle tickets from 548  
a receptacle and announcing the winning numbers in a raffle, and 549  
preparing, selling, and serving food or beverages. 550

~~(V)~~(R) "Participant" means any person who plays bingo. 551

~~(W)~~(S) "Bingo session" means a period that includes both of 552  
the following: 553

(1) Not to exceed five continuous hours for the conduct of 554  
one or more games described in division ~~(S)~~(O)(1) of this section, 555  
instant bingo, and seal cards; 556

(2) A period for the conduct of instant bingo and seal cards 557  
for not more than two hours before and not more than two hours 558  
after the period described in division ~~(W)~~(S)(1) of this section. 559

~~(X)~~(T) "Gross receipts" means all money or assets, including 560  
admission fees, that a person receives from bingo without the 561  
deduction of any amounts for prizes paid out or for the expenses 562  
of conducting bingo. "Gross receipts" does not include any money 563  
directly taken in from the sale of food or beverages by a 564  
charitable organization conducting bingo, or by a bona fide 565  
auxiliary unit or society of a charitable organization conducting 566  
bingo, provided all of the following apply: 567

(1) The auxiliary unit or society has been in existence as a 568  
bona fide auxiliary unit or society of the charitable organization 569  
for at least two years prior to conducting bingo. 570

(2) The person who purchases the food or beverage receives 571  
nothing of value except the food or beverage and items customarily 572  
received with the purchase of that food or beverage. 573

(3) The food and beverages are sold at customary and 574  
reasonable prices. 575

~~(Y)~~(U) "Security personnel" includes any person who either is 576  
a sheriff, deputy sheriff, marshal, deputy marshal, township 577  
constable, or member of an organized police department of a 578  
municipal corporation or has successfully completed a peace 579  
officer's training course pursuant to sections 109.71 to 109.79 of 580  
the Revised Code and who is hired to provide security for the 581  
premises on which bingo is conducted. 582

~~(Z)~~(V) "Charitable purpose" means that the net profit of 583  
bingo, other than instant bingo, is used by, or is given, donated, 584  
or otherwise transferred to, any of the following: 585

(1) Any organization that is described in subsection 586  
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 587  
and is either a governmental unit or an organization that is tax 588  
exempt under subsection 501(a) and described in subsection 589  
501(c)(3) of the Internal Revenue Code; 590

(2) A veteran's organization that is a post, chapter, or 591  
organization of veterans, or an auxiliary unit or society of, or a 592  
trust or foundation for, any such post, chapter, or organization 593  
organized in the United States or any of its possessions, at least 594  
seventy-five per cent of the members of which are veterans and 595  
substantially all of the other members of which are individuals 596  
who are spouses, widows, or widowers of veterans, or such 597  
individuals, provided that no part of the net earnings of such 598  
post, chapter, or organization inures to the benefit of any 599  
private shareholder or individual, and further provided that the 600  
net profit is used by the post, chapter, or organization for the 601  
charitable purposes set forth in division (B)(12) of section 602  
5739.02 of the Revised Code, is used for awarding scholarships to 603  
or for attendance at an institution mentioned in division (B)(12) 604  
of section 5739.02 of the Revised Code, is donated to a 605

governmental agency, or is used for nonprofit youth activities, 606  
the purchase of United States or Ohio flags that are donated to 607  
schools, youth groups, or other bona fide nonprofit organizations, 608  
promotion of patriotism, or disaster relief; 609

(3) A fraternal organization that has been in continuous 610  
existence in this state for fifteen years and that uses the net 611  
profit exclusively for religious, charitable, scientific, 612  
literary, or educational purposes, or for the prevention of 613  
cruelty to children or animals, if contributions for such use 614  
would qualify as a deductible charitable contribution under 615  
subsection 170 of the Internal Revenue Code; 616

(4) A volunteer firefighter's organization that uses the net 617  
profit for the purposes set forth in division ~~(L)~~(K) of this 618  
section. 619

~~(AA)~~(W) "Internal Revenue Code" means the "Internal Revenue 620  
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 621  
amended. 622

~~(BB)~~(X) "Youth athletic organization" means any organization, 623  
not organized for profit, that is organized and operated 624  
exclusively to provide financial support to, or to operate, 625  
athletic activities for persons who are twenty-one years of age or 626  
younger by means of sponsoring, organizing, operating, or 627  
contributing to the support of an athletic team, club, league, or 628  
association. 629

~~(CC)~~(Y) "Youth athletic park organization" means any 630  
organization, not organized for profit, that satisfies both of the 631  
following: 632

(1) It owns, operates, and maintains playing fields that 633  
satisfy both of the following: 634

(a) The playing fields are used at least one hundred days per 635  
year for athletic activities by one or more organizations, not 636

organized for profit, each of which is organized and operated 637  
exclusively to provide financial support to, or to operate, 638  
athletic activities for persons who are eighteen years of age or 639  
younger by means of sponsoring, organizing, operating, or 640  
contributing to the support of an athletic team, club, league, or 641  
association. 642

(b) The playing fields are not used for any profit-making 643  
activity at any time during the year. 644

(2) It uses the proceeds of bingo it conducts exclusively for 645  
the operation, maintenance, and improvement of its playing fields 646  
of the type described in division ~~(CC)~~(Y)(1) of this section. 647

~~(DD) "Amateur athletic organization" means any organization,~~ 648  
~~not organized for profit, that is organized and operated~~ 649  
~~exclusively to provide financial support to, or to operate,~~ 650  
~~athletic activities for persons who are training for amateur~~ 651  
~~athletic competition that is sanctioned by a national governing~~ 652  
~~body as defined in the "Amateur Sports Act of 1978," 90 Stat.~~ 653  
~~3045, 36 U.S.C.A. 373.~~ 654

~~(EE)~~(Z) "Bingo supplies" means bingo cards or sheets; instant 655  
bingo tickets or cards; electronic bingo aids; raffle tickets; 656  
punch boards; seal cards; instant bingo ticket dispensers; and 657  
devices for selecting or displaying the combination of bingo 658  
letters and numbers or raffle tickets. Items that are "bingo 659  
supplies" are not gambling devices if sold or otherwise provided, 660  
and used, in accordance with this chapter. For purposes of this 661  
chapter, "bingo supplies" are not to be considered equipment used 662  
to conduct a bingo game. 663

~~(FF)~~(AA) "Instant bingo" means a form of bingo that ~~uses~~ 664  
shall use folded or banded tickets or paper cards with perforated 665  
break-open tabs, a face of which is covered or otherwise hidden 666  
from view to conceal a number, letter, or symbol, or set of 667

numbers, letters, or symbols, some of which have been designated 668  
in advance as prize winners. ~~"Instant bingo" includes seal cards,~~ 669  
and may also include games in which some winners are determined by 670  
the random selection of one or more bingo numbers by the use of a 671  
seal card or bingo blower. In all "instant bingo" the prize amount 672  
and structure shall be predetermined. "Instant bingo" does not 673  
include any device that is activated by the insertion of a coin, 674  
currency, token, or an equivalent, and that contains as one of its 675  
components a video display monitor that is capable of displaying 676  
numbers, letters, symbols, or characters in winning or losing 677  
combinations. 678

~~(GG)~~(BB) "Seal card" means a form of instant bingo that uses 679  
instant bingo tickets in conjunction with a board or placard that 680  
contains one or more seals that, when removed or opened, reveal 681  
predesignated winning numbers, letters, or symbols. 682

~~(HH)~~(CC) "Raffle" means a form of bingo in which the one or 683  
more prizes are won by one or more persons who have purchased a 684  
raffle ticket. The one or more winners of the raffle are 685  
determined by drawing a ticket stub or other detachable section 686  
from a receptacle containing ticket stubs or detachable sections 687  
corresponding to all tickets sold for the raffle. "Raffle" does 688  
not include the drawing of a ticket stub or other detachable 689  
section of a ticket purchased to attend a professional sporting 690  
event if both of the following apply: 691

(1) The ticket stub or other detachable section is used to 692  
select the winner of a free prize given away at the professional 693  
sporting event; and 694

(2) The cost of the ticket is the same as the cost of a 695  
ticket to the professional sporting event on days when no free 696  
prize is given away. 697

~~(II)~~(DD) "Punch board" means a board containing a number of 698

holes or receptacles of uniform size in which are placed, 699  
mechanically and randomly, serially numbered slips of paper that 700  
may be punched or drawn from the hole or receptacle when used in 701  
conjunction with instant bingo. A player may punch or draw the 702  
numbered slips of paper from the holes or receptacles and obtain 703  
the prize established for the game if the number drawn corresponds 704  
to a winning number or, if the punch board includes the use of a 705  
seal card, a potential winning number. 706

~~(JJ)~~(EE) "Gross profit" means gross receipts minus the amount 707  
actually expended for the payment of prize awards. 708

~~(KK)~~(FF) "Net profit" means gross profit minus expenses. 709

~~(LL)~~(GG) "Expenses" means the reasonable amount of gross 710  
profit actually expended for all of the following: 711

(1) The purchase or lease of bingo supplies; 712

(2) The annual license fee required under section 2915.08 of 713  
the Revised Code; 714

(3) Bank fees and service charges for a bingo session or game 715  
account described in section 2915.10 of the Revised Code; 716

(4) Audits and accounting services; 717

(5) Safes; 718

(6) Cash registers; 719

(7) Hiring security personnel; 720

(8) Advertising bingo; 721

(9) Renting premises in which to conduct a bingo session; 722

(10) Tables and chairs; 723

(11) Expenses for maintaining and operating a charitable 724  
organization's facilities, including, but not limited to, a post 725  
home, club house, lounge, tavern, or canteen and any grounds 726  
attached to the post home, club house, lounge, tavern, or canteen; 727



(12) Payment of real property taxes and assessments that are 728  
levied on a premises on which bingo is conducted; 729

(13) Any other product or service directly related to the 730  
conduct of bingo that is authorized in rules adopted by the 731  
attorney general under division (B)(1) of section 2915.08 of the 732  
Revised Code. 733

~~(MM)~~(HH) "Person" has the same meaning as in section 1.59 of 734  
the Revised Code and includes any firm or any other legal entity, 735  
however organized. 736

~~(NN)~~(II) "Revoke" means to void permanently all rights and 737  
privileges of the holder of a license issued under section 738  
2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable 739  
gaming license issued by another jurisdiction. 740

~~(OO)~~(JJ) "Suspend" means to interrupt temporarily all rights 741  
and privileges of the holder of a license issued under section 742  
2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable 743  
gaming license issued by another jurisdiction. 744

~~(PP)~~(KK) "Distributor" means any person who purchases or 745  
obtains bingo supplies and who does either of the following: 746

(1) Sells, offers for sale, or otherwise provides or offers 747  
to provide the bingo supplies to another person for use in this 748  
state; 749

(2) Modifies, converts, adds to, or removes parts from the 750  
bingo supplies to further their promotion or sale for use in this 751  
state. 752

~~(QQ)~~(LL) "Manufacturer" means any person who assembles 753  
completed bingo supplies from raw materials, other items, or 754  
subparts or who modifies, converts, adds to, or removes parts from 755  
bingo supplies to further their promotion or sale. 756

~~(RR)~~(MM) "Gross annual revenues" means the annual gross 757

receipts derived from the conduct of bingo described in division 758  
~~(S)~~(O)(1) of this section plus the annual net profit derived from 759  
the conduct of bingo described in division ~~(S)~~(O)(2) of this 760  
section. 761

~~(SS)~~(NN) "Instant bingo ticket dispenser" means a mechanical 762  
device that dispenses an instant bingo ticket or card as the sole 763  
item of value dispensed and that has the following 764  
characteristics: 765

(1) It is activated upon the insertion of United States 766  
currency. 767

(2) It performs no gaming functions. 768

(3) It does not contain a video display monitor or generate 769  
noise. 770

(4) It is not capable of displaying any numbers, letters, 771  
symbols, or characters in winning or losing combinations. 772

(5) It does not simulate or display rolling or spinning 773  
reels. 774

(6) It is incapable of determining whether a dispensed bingo 775  
ticket or card is a winning or nonwinning ticket or card and 776  
requires a winning ticket or card to be paid by a bingo game 777  
operator. 778

(7) It may provide accounting and security features to aid in 779  
accounting for the instant bingo tickets or cards it dispenses. 780

(8) It is not part of an electronic network and is not 781  
interactive. 782

~~(TT)~~(OO)(1) "Electronic bingo aid" means an electronic device 783  
used by a participant to monitor bingo cards or sheets purchased 784  
at the time and place of a bingo session and that does all of the 785  
following: 786

(a) It provides a means for a participant to input numbers 787

and letters announced by a bingo caller. 788

(b) It compares the numbers and letters entered by the 789  
participant to the bingo faces previously stored in the memory of 790  
the device. 791

(c) It identifies a winning bingo pattern. 792

(2) "Electronic bingo aid" does not include any device into 793  
which a coin, currency, token, or an equivalent is inserted to 794  
activate play. 795

~~(UU)~~(PP) "Deal of instant bingo tickets" means a single game 796  
of instant bingo tickets all with the same serial number. 797

~~(VV)~~(OO)(1) "Slot machine" means either of the following: 798

(a) Any mechanical, electronic, video, or digital device that 799  
is capable of accepting anything of value, directly or indirectly, 800  
from or on behalf of a player who gives the thing of value in the 801  
hope of gain; 802

(b) Any mechanical, electronic, video, or digital device that 803  
is capable of accepting anything of value, directly or indirectly, 804  
from or on behalf of a player to conduct bingo or a scheme or game 805  
of chance. 806

(2) "Slot machine" does not include a skill-based amusement 807  
machine or an instant bingo ticket dispenser. 808

~~(WW)~~(RR) "Net profit from the proceeds of the sale of instant 809  
bingo" means gross profit minus the ordinary, necessary, and 810  
reasonable expense expended for the purchase of instant bingo 811  
supplies, and, in the case of instant bingo conducted by a 812  
veteran's, fraternal, or sporting organization, minus the payment 813  
by that organization of real property taxes and assessments levied 814  
on a premises on which instant bingo is conducted. 815

~~(XX)~~(SS) "Charitable instant bingo organization" means an 816  
organization that is exempt from federal income taxation under 817

subsection 501(a) and described in subsection 501(c)(3) of the 818  
Internal Revenue Code and is a charitable organization as defined 819  
in this section. A "charitable instant bingo organization" does 820  
not include a charitable organization that is exempt from federal 821  
income taxation under subsection 501(a) and described in 822  
subsection 501(c)(3) of the Internal Revenue Code and that is 823  
created by a veteran's organization, a fraternal organization, or 824  
a sporting organization in regards to bingo conducted or assisted 825  
by a veteran's organization, a fraternal organization, or a 826  
sporting organization pursuant to section 2915.13 of the Revised 827  
Code. 828

~~(YY)~~(TT) "Game flare" means the board or placard that 829  
accompanies each deal of instant bingo tickets and that has 830  
printed on or affixed to it the following information for the 831  
game: 832

(1) The name of the game; 833

(2) The manufacturer's name or distinctive logo; 834

(3) The form number; 835

(4) The ticket count; 836

(5) The prize structure, including the number of winning 837  
instant bingo tickets by denomination and the respective winning 838  
symbol or number combinations for the winning instant bingo 839  
tickets; 840

(6) The cost per play; 841

(7) The serial number of the game. 842

~~(ZZ) "Historic railroad educational organization" means an 843  
organization that is exempt from federal income taxation under 844  
subsection 501(a) and described in subsection 501(c)(3) of the 845  
Internal Revenue Code, that owns in fee simple the tracks and the 846  
right of way of a historic railroad that the organization restores 847~~

~~er maintains and on which the organization provides excursions as 848  
part of a program to promote tourism and educate visitors 849  
regarding the role of railroad transportation in Ohio history, and 850  
that received as donations from a charitable organization that 851  
holds a license to conduct bingo under this chapter an amount 852  
equal to at least fifty per cent of that licensed charitable 853  
organization's net proceeds from the conduct of bingo during each 854  
of the five years preceding June 30, 2003. "Historic railroad" 855  
means all or a portion of the tracks and right of way of a 856  
railroad that was owned and operated by a for-profit common 857  
carrier in this state at any time prior to January 1, 1950. 858~~

~~(AAA)(UU)(1) "Skill-based amusement machine" means a 859  
mechanical, video, digital, or electronic device that rewards the 860  
player or players, if at all, only with merchandise prizes or with 861  
redeemable vouchers redeemable only for merchandise prizes, 862  
provided that with respect to rewards for playing the game all of 863  
the following apply: 864~~

~~(a) The wholesale value of a merchandise prize awarded as a 865  
result of the single play of a machine does not exceed ten 866  
dollars; 867~~

~~(b) Redeemable vouchers awarded for any single play of a 868  
machine are not redeemable for a merchandise prize with a 869  
wholesale value of more than ten dollars; 870~~

~~(c) Redeemable vouchers are not redeemable for a merchandise 871  
prize that has a wholesale value of more than ten dollars times 872  
the fewest number of single plays necessary to accrue the 873  
redeemable vouchers required to obtain that prize; and 874~~

~~(d) Any redeemable vouchers or merchandise prizes are 875  
distributed at the site of the skill-based amusement machine at 876  
the time of play. 877~~

~~A card for the purchase of gasoline is a redeemable voucher 878~~

for purposes of division ~~(AAA)~~(UU)(1) of this section even if the 879  
skill-based amusement machine for the play of which the card is 880  
awarded is located at a place where gasoline may not be legally 881  
distributed to the public or the card is not redeemable at the 882  
location of, or at the time of playing, the skill-based amusement 883  
machine. 884

(2) A device shall not be considered a skill-based amusement 885  
machine and shall be considered a slot machine if it pays cash or 886  
one or more of the following apply: 887

(a) The ability of a player to succeed at the game is 888  
impacted by the number or ratio of prior wins to prior losses of 889  
players playing the game. 890

(b) Any reward of redeemable vouchers is not based solely on 891  
the player achieving the object of the game or the player's score; 892

(c) The outcome of the game, or the value of the redeemable 893  
voucher or merchandise prize awarded for winning the game, can be 894  
controlled by a source other than any player playing the game. 895

(d) The success of any player is or may be determined by a 896  
chance event that cannot be altered by player actions. 897

(e) The ability of any player to succeed at the game is 898  
determined by game features not visible or known to the player. 899

(f) The ability of the player to succeed at the game is 900  
impacted by the exercise of a skill that no reasonable player 901  
could exercise. 902

(3) All of the following apply to any machine that is 903  
operated as described in division ~~(AAA)~~(UU)(1) of this section: 904

(a) As used in division (UU) of this section, "game" and 905  
"play" mean one event from the initial activation of the machine 906  
until the results of play are determined without payment of 907  
additional consideration. An individual utilizing a machine that 908

involves a single game, play, contest, competition, or tournament 909  
may be awarded redeemable vouchers or merchandise prizes based on 910  
the results of play. 911

(b) Advance play for a single game, play, contest, 912  
competition, or tournament participation may be purchased. The 913  
cost of the contest, competition, or tournament participation may 914  
be greater than a single noncontest, competition, or tournament 915  
play. 916

(c) To the extent that the machine is used in a contest, 917  
competition, or tournament, that contest, competition, or 918  
tournament has a defined starting and ending date and is open to 919  
participants in competition for scoring and ranking results toward 920  
the awarding of redeemable vouchers or merchandise prizes that are 921  
stated prior to the start of the contest, competition, or 922  
tournament. 923

(4) For purposes of division ~~(AAA)~~(UU)(1) of this section, 924  
the mere presence of a device, such as a pin-setting, 925  
ball-releasing, or scoring mechanism, that does not contribute to 926  
or affect the outcome of the play of the game does not make the 927  
device a skill-based amusement machine. 928

~~(BBB)~~(VV) "Merchandise prize" means any item of value, but 929  
shall not include any of the following: 930

(1) Cash, gift cards, or any equivalent thereof; 931

(2) Plays on games of chance, state lottery tickets, bingo, 932  
or instant bingo; 933

(3) Firearms, tobacco, or alcoholic beverages; or 934

(4) A redeemable voucher that is redeemable for any of the 935  
items listed in division ~~(BBB)~~(VV)(1), (2), or (3) of this 936  
section. 937

~~(CCC)~~(WW) "Redeemable voucher" means any ticket, token, 938

coupon, receipt, or other noncash representation of value. 939

~~(DDD)~~(XX) "Pool not conducted for profit" means a scheme in 940  
which a participant gives a valuable consideration for a chance to 941  
win a prize and the total amount of consideration wagered is 942  
distributed to a participant or participants. 943

~~(EEE)~~(YY) "Sporting organization" means a hunting, fishing, 944  
or trapping organization, other than a college or high school 945  
fraternity or sorority, that is not organized for profit, that is 946  
affiliated with a state or national sporting organization, 947  
including but not limited to, the ~~Ohio~~ league of Ohio sportsmen, 948  
and that has been in continuous existence in this state for a 949  
period of three years. 950

~~(FFF)~~(ZZ) "Community action agency" has the same meaning as 951  
in section 122.66 of the Revised Code. 952

(AAA) "Permitted location" means a building leased by a 953  
county in this state under a lease pursuant to which charitable 954  
organizations have operated festivals weekly for the eighteen 955  
months immediately preceding the effective date of this amendment, 956  
at which games of chance were offered. 957

(BBB) "Charity card room" means a facility at a permitted 958  
location that offers games of chance conducted by a charitable 959  
organization. 960

**Sec. 2915.02.** (A) No person shall do any of the following: 961

(1) Engage in bookmaking, or knowingly engage in conduct that 962  
facilitates bookmaking; 963

(2) Establish, promote, or operate or knowingly engage in 964  
conduct that facilitates any game of chance conducted for profit 965  
or any scheme of chance; 966

(3) Knowingly procure, transmit, exchange, or engage in 967  
conduct that facilitates the procurement, transmission, or 968



exchange of information for use in establishing odds or	969
determining winners in connection with bookmaking or with any game	970
of chance conducted for profit or any scheme of chance;	971
(4) Engage in betting or in playing any scheme or game of	972
chance as a substantial source of income or livelihood;	973
(5) With purpose to violate division (A)(1), (2), (3), or (4)	974
of this section, acquire, possess, control, or operate any	975
gambling device.	976
(B) For purposes of division (A)(1) of this section, a person	977
facilitates bookmaking if the person in any way knowingly aids an	978
illegal bookmaking operation, including, without limitation,	979
placing a bet with a person engaged in or facilitating illegal	980
bookmaking. For purposes of division (A)(2) of this section, a	981
person facilitates a game of chance conducted for profit or a	982
scheme of chance if the person in any way knowingly aids in the	983
conduct or operation of any such game or scheme, including,	984
without limitation, playing any such game or scheme.	985
(C) This section does not prohibit conduct in connection with	986
gambling expressly permitted by law.	987
(D) This section does not apply to any of the following:	988
(1) Games of chance, if all of the following apply:	989
(a) The games of chance are not craps for money or roulette	990
for money.	991
(b) The games of chance are conducted by a charitable	992
organization that is, and has received from the internal revenue	993
service a determination letter that is currently in effect,	994
stating that the organization is, exempt from federal income	995
taxation under subsection 501(a) and described in subsection	996
501(c)(3) of the Internal Revenue Code.	997
(c) The games of chance are conducted at festivals of the	998

charitable organization that are conducted ~~either for a period of~~ 999  
~~four consecutive days or less and not more than twice a year or~~ 1000  
~~for a period of a total of five consecutive days not more than~~ 1001  
~~once~~ a year, and are conducted on premises owned by the charitable 1002  
organization for a period of no less than one year immediately 1003  
preceding the conducting of the games of chance, on premises 1004  
leased from a governmental unit, or on premises that are leased 1005  
from a veteran's or fraternal organization and that have been 1006  
owned by the lessor veteran's or fraternal organization for a 1007  
period of no less than one year immediately preceding the 1008  
conducting of the games of chance. 1009

A charitable organization shall not lease premises from a 1010  
veteran's or fraternal organization to conduct a festival 1011  
described in division (D)(1)(c) of this section if the veteran's 1012  
or fraternal organization already has leased the premises twelve 1013  
times during the preceding year to charitable organizations for 1014  
that purpose. If a charitable organization leases premises from a 1015  
veteran's or fraternal organization to conduct a festival 1016  
described in division (D)(1)(c) of this section, the charitable 1017  
organization shall not pay a rental rate for the premises per day 1018  
of the festival that exceeds the rental rate per bingo session 1019  
that a charitable organization may pay under division (B)(1) of 1020  
section 2915.09 of the Revised Code when it leases premises from 1021  
another charitable organization to conduct bingo games. 1022

(d) All of the money or assets received from the games of 1023  
chance after deduction only of prizes paid out during the conduct 1024  
of the games of chance are used by, or given, donated, or 1025  
otherwise transferred to, any organization that is described in 1026  
subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal 1027  
Revenue Code and is either a governmental unit or an organization 1028  
that is tax exempt under subsection 501(a) and described in 1029  
subsection 501(c)(3) of the Internal Revenue Code; 1030

(e) The games of chance are not conducted during, or within 1031  
ten hours of, a bingo game conducted for amusement purposes only 1032  
pursuant to section 2915.12 of the Revised Code. 1033

No person shall receive any commission, wage, salary, reward, 1034  
tip, donation, gratuity, or other form of compensation, directly 1035  
or indirectly, for operating or assisting in the operation of any 1036  
game of chance. 1037

(2) Any tag fishing tournament operated under a permit issued 1038  
under section 1533.92 of the Revised Code, as "tag fishing 1039  
tournament" is defined in section 1531.01 of the Revised Code; 1040

(3) Bingo conducted by a charitable organization that holds a 1041  
license issued under section 2915.08 of the Revised Code. 1042

(E) Division (D) of this section shall not be construed to 1043  
authorize the sale, lease, or other temporary or permanent 1044  
transfer of the right to conduct games of chance, as granted by 1045  
that division, by any charitable organization that is granted that 1046  
right. 1047

(F) Whoever violates this section is guilty of gambling, a 1048  
misdemeanor of the first degree. If the offender previously has 1049  
been convicted of any gambling offense, gambling is a felony of 1050  
the fifth degree. 1051

**Sec. 2915.06.** (A) No person shall give to another person any 1052  
item described in division ~~(BBB)~~(VV)(1), (2), (3), or (4) of 1053  
section 2915.01 of the Revised Code in exchange for a noncash 1054  
prize, toy, or novelty received as a reward for playing or 1055  
operating a skill-based amusement machine or for a free or 1056  
reduced-price game won on a skill-based amusement machine. 1057

(B) Whoever violates division (A) of this section is guilty 1058  
of skill-based amusement machine prohibited conduct. A violation 1059  
of division (A) of this section is a misdemeanor of the first 1060

degree for each redemption of a prize that is involved in the 1061  
violation. If the offender previously has been convicted of a 1062  
violation of division (A) of this section, a violation of that 1063  
division is a felony of the fifth degree for each redemption of a 1064  
prize that is involved in the violation. The maximum fine 1065  
authorized to be imposed for a felony of the fifth degree shall be 1066  
imposed upon the offender. 1067

**Sec. 2915.08.** (A)(1) Annually before the first day of 1068  
January, a charitable organization that desires to conduct bingo, 1069  
instant bingo at a bingo session, or instant bingo other than at a 1070  
bingo session shall make out, upon a form to be furnished by the 1071  
attorney general for that purpose, an application for a license to 1072  
conduct bingo, instant bingo at a bingo session, or instant bingo 1073  
other than at a bingo session and deliver that application to the 1074  
attorney general together with a license fee as follows: 1075

(a) Except as otherwise provided in this division, for a 1076  
license for the conduct of bingo, two hundred dollars; 1077

(b) For a license for the conduct of instant bingo at a bingo 1078  
session or instant bingo other than at a bingo session for a 1079  
charitable organization that previously has not been licensed 1080  
under this chapter to conduct instant bingo at a bingo session or 1081  
instant bingo other than at a bingo session, a license fee of five 1082  
hundred dollars, and for any other charitable organization, a 1083  
license fee that is based upon the gross profits received by the 1084  
charitable organization from the operation of instant bingo at a 1085  
bingo session or instant bingo other than at a bingo session, 1086  
during the one-year period ending on the thirty-first day of 1087  
October of the year immediately preceding the year for which the 1088  
license is sought, and that is one of the following: 1089

(i) Five hundred dollars, if the total is fifty thousand 1090  
dollars or less; 1091

(ii) One thousand two hundred fifty dollars plus one-fourth	1092
per cent of the gross profit, if the total is more than fifty	1093
thousand dollars but less than two hundred fifty thousand one	1094
dollars;	1095
(iii) Two thousand two hundred fifty dollars plus one-half	1096
per cent of the gross profit, if the total is more than two	1097
hundred fifty thousand dollars but less than five hundred thousand	1098
one dollars;	1099
(iv) Three thousand five hundred dollars plus one per cent of	1100
the gross profit, if the total is more than five hundred thousand	1101
dollars but less than one million one dollars;	1102
(v) Five thousand dollars plus one per cent of the gross	1103
profit, if the total is one million one dollars or more;	1104
(c) A reduced license fee established by the attorney general	1105
pursuant to division (G) of this section.	1106
(d) For a license to conduct bingo for a charitable	1107
organization that prior to <del>the effective date of this amendment</del>	1108
<u>July 1, 2003</u> , has not been licensed under this chapter to conduct	1109
bingo, instant bingo at a bingo session, or instant bingo other	1110
than at a bingo session, a license fee established by rule by the	1111
attorney general in accordance with division (H) of this section.	1112
(2) The application shall be in the form prescribed by the	1113
attorney general, shall be signed and sworn to by the applicant,	1114
and shall contain all of the following:	1115
(a) The name and post-office address of the applicant;	1116
(b) A statement that the applicant is a charitable	1117
organization and that it has been in continuous existence as a	1118
charitable organization in this state for two years immediately	1119
preceding the making of the application <del>or for five years in the</del>	1120
<del>case of a fraternal organization or a nonprofit medical</del>	1121

organization; 1122

(c) The location at which the organization will conduct 1123  
bingo, which location shall be within the county in which the 1124  
principal place of business of the applicant is located, or within 1125  
the municipal corporation in which the principal place of business 1126  
of the applicant is located if the organization is located in more 1127  
than one municipal corporation, the days of the week and the times 1128  
on each of those days when bingo will be conducted, whether the 1129  
organization owns, leases, or subleases the premises, and a copy 1130  
of the rental agreement if it leases or subleases the premises; 1131

(d) A statement of the applicant's previous history, record, 1132  
and association that is sufficient to establish that the applicant 1133  
is a charitable organization, and a copy of a determination letter 1134  
that is issued by the Internal Revenue Service and states that the 1135  
organization is tax exempt under subsection 501(a) and described 1136  
in subsection 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 1137  
501(c)(10), or 501(c)(19) of the Internal Revenue Code; 1138

(e) A statement as to whether the applicant has ever had any 1139  
previous application refused, whether it previously has had a 1140  
license revoked or suspended, and the reason stated by the 1141  
attorney general for the refusal, revocation, or suspension; 1142

(f) A statement of the charitable purposes for which the net 1143  
profit derived from bingo, other than instant bingo, will be used, 1144  
and a statement of how the net profit derived from instant bingo 1145  
will be distributed in accordance with section 2915.101 of the 1146  
Revised Code; 1147

(g) Other necessary and reasonable information that the 1148  
attorney general may require by rule adopted pursuant to section 1149  
111.15 of the Revised Code; 1150

(h) If the applicant is a charitable trust as defined in 1151  
section 109.23 of the Revised Code, a statement as to whether it 1152

has registered with the attorney general pursuant to section 1153  
109.26 of the Revised Code or filed annual reports pursuant to 1154  
section 109.31 of the Revised Code, and, if it is not required to 1155  
do either, the exemption in section 109.26 or 109.31 of the 1156  
Revised Code that applies to it; 1157

(i) If the applicant is a charitable organization as defined 1158  
in section 1716.01 of the Revised Code, a statement as to whether 1159  
it has filed with the attorney general a registration statement 1160  
pursuant to section 1716.02 of the Revised Code and a financial 1161  
report pursuant to section 1716.04 of the Revised Code, and, if it 1162  
is not required to do both, the exemption in section 1716.03 of 1163  
the Revised Code that applies to it; 1164

(j) In the case of an applicant seeking to qualify as a youth 1165  
athletic park organization, a statement issued by a board or body 1166  
vested with authority under Chapter 755. of the Revised Code for 1167  
the supervision and maintenance of recreation facilities in the 1168  
territory in which the organization is located, certifying that 1169  
the playing fields owned by the organization were used for at 1170  
least one hundred days during the year in which the statement is 1171  
issued, and were open for use to all residents of that territory, 1172  
regardless of race, color, creed, religion, sex, or national 1173  
origin, for athletic activities by youth athletic organizations 1174  
that do not discriminate on the basis of race, color, creed, 1175  
religion, sex, or national origin, and that the fields were not 1176  
used for any profit-making activity at any time during the year. 1177  
That type of board or body is authorized to issue the statement 1178  
upon request and shall issue the statement if it finds that the 1179  
applicant's playing fields were so used. 1180

(3) The attorney general, within thirty days after receiving 1181  
a timely filed application from a charitable organization that has 1182  
been issued a license under this section that has not expired and 1183  
has not been revoked or suspended, shall send a temporary permit 1184

to the applicant specifying the date on which the application was 1185  
filed with the attorney general and stating that, pursuant to 1186  
section 119.06 of the Revised Code, the applicant may continue to 1187  
conduct bingo until a new license is granted or, if the 1188  
application is rejected, until fifteen days after notice of the 1189  
rejection is mailed to the applicant. The temporary permit does 1190  
not affect the validity of the applicant's application and does 1191  
not grant any rights to the applicant except those rights 1192  
specifically granted in section 119.06 of the Revised Code. The 1193  
issuance of a temporary permit by the attorney general pursuant to 1194  
this division does not prohibit the attorney general from 1195  
rejecting the applicant's application because of acts that the 1196  
applicant committed, or actions that the applicant failed to take, 1197  
before or after the issuance of the temporary permit. 1198

(4) Within thirty days after receiving an initial license 1199  
application from a charitable organization to conduct bingo, 1200  
instant bingo at a bingo session, or instant bingo other than at a 1201  
bingo session, the attorney general shall conduct a preliminary 1202  
review of the application and notify the applicant regarding any 1203  
deficiencies. Once an application is deemed complete, or beginning 1204  
on the thirtieth day after the application is filed, if the 1205  
attorney general failed to notify the applicant of any 1206  
deficiencies, the attorney general shall have an additional sixty 1207  
days to conduct an investigation and either grant or deny the 1208  
application based on findings established and communicated in 1209  
accordance with divisions (B) and (E) of this section. As an 1210  
option to granting or denying an initial license application, the 1211  
attorney general may grant a temporary license and request 1212  
additional time to conduct the investigation if the attorney 1213  
general has cause to believe that additional time is necessary to 1214  
complete the investigation and has notified the applicant in 1215  
writing about the specific concerns raised during the 1216  
investigation. 1217



(B)(1) The attorney general shall adopt rules to enforce 1218  
sections 2915.01, 2915.02, and 2915.07 to 2915.13 of the Revised 1219  
Code to ensure that bingo or instant bingo is conducted in 1220  
accordance with those sections and to maintain proper control over 1221  
the conduct of bingo or instant bingo. The rules, except rules 1222  
adopted pursuant to divisions (A)(2)(g) and (G) of this section, 1223  
shall be adopted pursuant to Chapter 119. of the Revised Code. The 1224  
attorney general shall license charitable organizations to conduct 1225  
bingo, instant bingo at a bingo session, or instant bingo other 1226  
than at a bingo session in conformance with this chapter and with 1227  
the licensing provisions of Chapter 119. of the Revised Code. 1228

(2) The attorney general may refuse to grant a license to any 1229  
organization, or revoke or suspend the license of any 1230  
organization, that does any of the following or to which any of 1231  
the following applies: 1232

(a) Fails or has failed at any time to meet any requirement 1233  
of section 109.26, 109.31, or 1716.02, or sections 2915.07 to 1234  
2915.11 of the Revised Code, or violates or has violated any 1235  
provision of sections 2915.02 or 2915.07 to 2915.13 of the Revised 1236  
Code or any rule adopted by the attorney general pursuant to this 1237  
section; 1238

(b) Makes or has made an incorrect or false statement that is 1239  
material to the granting of the license in an application filed 1240  
pursuant to division (A) of this section; 1241

(c) Submits or has submitted any incorrect or false 1242  
information relating to an application if the information is 1243  
material to the granting of the license; 1244

(d) Maintains or has maintained any incorrect or false 1245  
information that is material to the granting of the license in the 1246  
records required to be kept pursuant to divisions (A) and (C) of 1247  
section 2915.10 of the Revised Code, if applicable; 1248

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

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

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

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

(1) The issuance of the license;

(2) The issuance of the amended license;

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

(4) The revocation of any license previously issued;

(5) The suspension of any license previously issued.

(E) A license issued by the attorney general shall set forth the information contained on the application of the charitable organization that the attorney general determines is relevant, including, but not limited to, the location at which the organization will conduct bingo, instant bingo at a bingo session,

or instant bingo other than at a bingo session and the days of the 1279  
week and the times on each of those days when bingo will be 1280  
conducted. If the attorney general refuses to grant or revokes or 1281  
suspends a license, the attorney general shall notify the 1282  
applicant in writing and specifically identify the reason for the 1283  
refusal, revocation, or suspension in narrative form and, if 1284  
applicable, by identifying the section of the Revised Code 1285  
violated. The failure of the attorney general to give the written 1286  
notice of the reasons for the refusal, revocation, or suspension 1287  
or a mistake in the written notice does not affect the validity of 1288  
the attorney general's refusal to grant, or the revocation or 1289  
suspension of, a license. If the attorney general fails to give 1290  
the written notice or if there is a mistake in the written notice, 1291  
the applicant may bring an action to compel the attorney general 1292  
to comply with this division or to correct the mistake, but the 1293  
attorney general's order refusing to grant, or revoking or 1294  
suspending, a license shall not be enjoined during the pendency of 1295  
the action. 1296

(F) A charitable organization that has been issued a license 1297  
pursuant to division (B) of this section but that cannot conduct 1298  
bingo or instant bingo at the location, or on the day of the week 1299  
or at the time, specified on the license due to circumstances that 1300  
make it impractical to do so may apply in writing, together with 1301  
an application fee of two hundred fifty dollars, to the attorney 1302  
general, at least thirty days prior to a change in location, day 1303  
of the week, or time, and request an amended license. The 1304  
application shall describe the causes making it impractical for 1305  
the organization to conduct bingo or instant bingo in conformity 1306  
with its license and shall indicate the location, days of the 1307  
week, and times on each of those days when it desires to conduct 1308  
bingo or instant bingo. Except as otherwise provided in this 1309  
division, the attorney general shall issue the amended license in 1310  
accordance with division (E) of this section, and the organization 1311

shall surrender its original license to the attorney general. The 1312  
attorney general may refuse to grant an amended license according 1313  
to the terms of division (B) of this section. 1314

(G) The attorney general, by rule adopted pursuant to section 1315  
111.15 of the Revised Code, shall establish a schedule of reduced 1316  
license fees for charitable organizations that desire to conduct 1317  
bingo or instant bingo during fewer than twenty-six weeks in any 1318  
calendar year. 1319

(H) The attorney general, by rule adopted pursuant to section 1320  
111.15 of the Revised Code, shall establish license fees for the 1321  
conduct of bingo, instant bingo at a bingo session, or instant 1322  
bingo other than at a bingo session for charitable organizations 1323  
that prior to ~~the effective date of this amendment~~ July 1, 2003, 1324  
have not been licensed to conduct bingo, instant bingo at a bingo 1325  
session, or instant bingo other than at a bingo session under this 1326  
chapter. 1327

(I) The attorney general may enter into a written contract 1328  
with any other state agency to delegate to that state agency the 1329  
powers prescribed to the attorney general under Chapter 2915. of 1330  
the Revised Code. 1331

(J) The attorney general, by rule adopted pursuant to section 1332  
111.15 of the Revised Code, may adopt rules to determine the 1333  
requirements for a charitable organization that is exempt from 1334  
federal income taxation under subsection 501(a) and described in 1335  
subsection 501(c)(3) of the Internal Revenue Code to be in good 1336  
standing in the state. 1337

**Sec. 2915.09.** (A) No charitable organization that conducts 1338  
bingo shall fail to do any of the following: 1339

(1) Own all of the equipment used to conduct bingo or lease 1340  
that equipment from a charitable organization that is licensed to 1341

conduct bingo, or from the landlord of a premises where bingo is 1342  
conducted, for a rental rate that is not more than is customary 1343  
and reasonable for that equipment; 1344

(2) Except as otherwise provided in division (A)(3) of this 1345  
section, use all of the gross receipts from bingo for paying 1346  
prizes, for reimbursement of expenses for or for renting premises 1347  
in which to conduct a bingo session, for reimbursement of expenses 1348  
for or for purchasing or leasing bingo supplies used in conducting 1349  
bingo, for reimbursement of expenses for or for hiring security 1350  
personnel, for reimbursement of expenses for or for advertising 1351  
bingo, or for reimbursement of other expenses or for other 1352  
expenses listed in division ~~(LL)~~(GG) of section 2915.01 of the 1353  
Revised Code, provided that the amount of the receipts so spent is 1354  
not more than is customary and reasonable for a similar purchase, 1355  
lease, hiring, advertising, or expense. If the building in which 1356  
bingo is conducted is owned by the charitable organization 1357  
conducting bingo and the bingo conducted includes a form of bingo 1358  
described in division ~~(S)~~(O)(1) of section 2915.01 of the Revised 1359  
Code, the charitable organization may deduct from the total amount 1360  
of the gross receipts from each session a sum equal to the lesser 1361  
of six hundred dollars or forty-five per cent of the gross 1362  
receipts from the bingo described in that division as 1363  
consideration for the use of the premises. 1364

(3) Use, or give, donate, or otherwise transfer, all of the 1365  
net profit derived from bingo, other than instant bingo, for a 1366  
charitable purpose listed in its license application and described 1367  
in division ~~(Z)~~(V) of section 2915.01 of the Revised Code, or 1368  
distribute all of the net profit from the proceeds of the sale of 1369  
instant bingo as stated in its license application and in 1370  
accordance with section 2915.101 of the Revised Code. 1371

(B) No charitable organization that conducts a bingo game 1372  
described in division ~~(S)~~(O)(1) of section 2915.01 of the Revised 1373

Code shall fail to do any of the following: 1374

(1) Conduct the bingo game on premises that are owned by the 1375  
charitable organization, on premises that are owned by another 1376  
charitable organization and leased from that charitable 1377  
organization for a rental rate not in excess of the lesser of six 1378  
hundred dollars per bingo session or forty-five per cent of the 1379  
gross receipts of the bingo session, on premises that are leased 1380  
from a person other than a charitable organization for a rental 1381  
rate that is not more than is customary and reasonable for 1382  
premises that are similar in location, size, and quality but not 1383  
in excess of four hundred fifty dollars per bingo session, or on 1384  
premises that are owned by a person other than a charitable 1385  
organization, that are leased from that person by another 1386  
charitable organization, and that are subleased from that other 1387  
charitable organization by the charitable organization for a 1388  
rental rate not in excess of four hundred fifty dollars per bingo 1389  
session. No charitable organization is required to pay property 1390  
taxes or assessments on premises that the charitable organization 1391  
leases from another person to conduct bingo sessions. If the 1392  
charitable organization leases from a person other than a 1393  
charitable organization the premises on which it conducts bingo 1394  
sessions, the lessor of the premises shall provide the premises to 1395  
the organization and shall not provide the organization with bingo 1396  
game operators, security personnel, concessions or concession 1397  
operators, bingo supplies, or any other type of service. A 1398  
charitable organization shall not lease or sublease premises that 1399  
it owns or leases to more than ~~one~~ three other charitable 1400  
~~organization~~ organizations per calendar week for ~~the purpose of~~ 1401  
conducting bingo sessions on the premises. A person that is not a 1402  
charitable organization shall not lease premises that it owns, 1403  
leases, or otherwise is empowered to lease to more than three 1404  
charitable organizations per calendar week for conducting bingo 1405  
sessions on the premises. In no case shall more than nine bingo 1406

sessions be conducted on any premises in any calendar week. 1407

(2) Display its license conspicuously at the premises where 1408  
the bingo session is conducted; 1409

(3) Conduct the bingo session in accordance with the 1410  
definition of bingo set forth in division ~~(S)~~(O)(1) of section 1411  
2915.01 of the Revised Code. 1412

(C) No charitable organization that conducts a bingo game 1413  
described in division ~~(S)~~(O)(1) of section 2915.01 of the Revised 1414  
Code shall do any of the following: 1415

(1) Pay any compensation to a bingo game operator for 1416  
operating a bingo session that is conducted by the charitable 1417  
organization or for preparing, selling, or serving food or 1418  
beverages at the site of the bingo session, permit any auxiliary 1419  
unit or society of the charitable organization to pay compensation 1420  
to any bingo game operator who prepares, sells, or serves food or 1421  
beverages at a bingo session conducted by the charitable 1422  
organization, or permit any auxiliary unit or society of the 1423  
charitable organization to prepare, sell, or serve food or 1424  
beverages at a bingo session conducted by the charitable 1425  
organization, if the auxiliary unit or society pays any 1426  
compensation to the bingo game operators who prepare, sell, or 1427  
serve the food or beverages; 1428

(2) Pay consulting fees to any person for any services 1429  
performed in relation to the bingo session; 1430

(3) Pay concession fees to any person who provides 1431  
refreshments to the participants in the bingo session; 1432

(4) Except as otherwise provided in division (C)(4) of this 1433  
section, conduct more than three bingo sessions in any seven-day 1434  
period. A volunteer firefighter's organization or a volunteer 1435  
rescue service organization that conducts not more than five bingo 1436  
sessions in a calendar year may conduct more than three bingo 1437

sessions in a seven-day period after notifying the attorney 1438  
general when it will conduct the sessions. 1439

(5) Pay out more than six thousand dollars in prizes for 1440  
bingo games described in division ~~(S)~~(O)(1) of section 2915.01 of 1441  
the Revised Code during any bingo session that is conducted by the 1442  
charitable organization. "Prizes" does not include awards from the 1443  
conduct of instant bingo. 1444

(6) Conduct a bingo session at any time during the ~~ten-hour~~ 1445  
eight-hour period between ~~midnight~~ two a.m. and ten a.m., at any 1446  
time during, or within ten hours of, a bingo game conducted for 1447  
amusement only pursuant to section 2915.12 of the Revised Code, at 1448  
any premises not specified on its license, or on any day of the 1449  
week or during any time period not specified on its license. 1450  
Division (A)(6) of this section does not prohibit the sale of 1451  
instant bingo tickets beginning at nine a.m. for a bingo session 1452  
that begins at ten a.m. If circumstances make it impractical for 1453  
the charitable organization to conduct a bingo session at the 1454  
premises, or on the day of the week or at the time, specified on 1455  
its license, or if a charitable organization wants to conduct 1456  
bingo sessions on a day of the week or at a time other than the 1457  
day or time specified on its license, the charitable organization 1458  
may apply in writing to the attorney general for an amended 1459  
license pursuant to division (F) of section 2915.08 of the Revised 1460  
Code. A charitable organization may apply twice in each calendar 1461  
year for an amended license to conduct bingo sessions on a day of 1462  
the week or at a time other than the day or time specified on its 1463  
license. If the amended license is granted, the organization may 1464  
conduct bingo sessions at the premises, on the day of the week, 1465  
and at the time specified on its amended license. 1466

(7) Permit any person whom the charitable organization knows, 1467  
or should have known, is under the age of eighteen to work as a 1468  
bingo game operator; 1469



(8) Permit any person whom the charitable organization knows, 1470  
or should have known, has been convicted of a felony or gambling 1471  
offense in any jurisdiction to be a bingo game operator; 1472

(9) Permit the lessor of the premises on which the bingo 1473  
session is conducted, if the lessor is not a charitable 1474  
organization, to provide the charitable organization with bingo 1475  
game operators, security personnel, concessions, bingo supplies, 1476  
or any other type of service; 1477

(10) Purchase or lease bingo supplies from any person except 1478  
a distributor issued a license under section 2915.081 of the 1479  
Revised Code; 1480

(11)(a) Use or permit the use of electronic bingo aids except 1481  
under the following circumstances: 1482

(i) For any single participant, not more than ninety bingo 1483  
faces can be played using an electronic bingo aid or aids. 1484

(ii) The charitable organization shall provide a participant 1485  
using an electronic bingo aid with corresponding paper bingo cards 1486  
or sheets. 1487

(iii) The total price of bingo faces played with an 1488  
electronic bingo aid shall be equal to the total price of the same 1489  
number of bingo faces played with a paper bingo card or sheet sold 1490  
at the same bingo session but without an electronic bingo aid. 1491

(iv) An electronic bingo aid cannot be part of an electronic 1492  
network other than a network that includes only bingo aids and 1493  
devices that are located on the premises at which the bingo is 1494  
being conducted or be interactive with any device not located on 1495  
the premises at which the bingo is being conducted. 1496

(v) An electronic bingo aid cannot be used to participate in 1497  
bingo that is conducted at a location other than the location at 1498  
which the bingo session is conducted and at which the electronic 1499

bingo aid is used. 1500

(vi) An electronic bingo aid cannot be used to provide for 1501  
the input of numbers and letters announced by a bingo caller other 1502  
than the bingo caller who physically calls the numbers and letters 1503  
at the location at which the bingo session is conducted and at 1504  
which the electronic bingo aid is used. 1505

(b) The attorney general may adopt rules in accordance with 1506  
Chapter 119. of the Revised Code that govern the use of electronic 1507  
bingo aids. The rules may include a requirement that an electronic 1508  
bingo aid be capable of being audited by the attorney general to 1509  
verify the number of bingo cards or sheets played during each 1510  
bingo session. 1511

(12) Permit any person the charitable organization knows, or 1512  
should have known, to be under eighteen years of age to play bingo 1513  
described in division ~~(S)~~(O)(1) of section 2915.01 of the Revised 1514  
Code. 1515

(D)(1) Except as otherwise provided in division (D)(3) of 1516  
this section, no charitable organization shall provide to a bingo 1517  
game operator, and no bingo game operator shall receive or accept, 1518  
any commission, wage, salary, reward, tip, donation, gratuity, or 1519  
other form of compensation, directly or indirectly, regardless of 1520  
the source, for conducting bingo or providing other work or labor 1521  
at the site of bingo during a bingo session. 1522

(2) Except as otherwise provided in division (D)(3) of this 1523  
section, no charitable organization shall provide to a bingo game 1524  
operator any commission, wage, salary, reward, tip, donation, 1525  
gratuity, or other form of compensation, directly or indirectly, 1526  
regardless of the source, for conducting instant bingo other than 1527  
at a bingo session at the site of instant bingo other than at a 1528  
bingo session. 1529

(3) Nothing in division (D) of this section prohibits an 1530

employee of a fraternal organization, veteran's organization, or 1531  
sporting organization from selling instant bingo tickets or cards 1532  
to the organization's members or invited guests, as long as no 1533  
portion of the employee's compensation is paid from any receipts 1534  
of bingo. 1535

(E) Notwithstanding division (B)(1) of this section, a 1536  
charitable organization that, prior to December 6, 1977, has 1537  
entered into written agreements for the lease of premises it owns 1538  
to another charitable organization or other charitable 1539  
organizations for the conducting of bingo sessions so that more 1540  
than two bingo sessions are conducted per calendar week on the 1541  
premises, and a person that is not a charitable organization and 1542  
that, prior to December 6, 1977, has entered into written 1543  
agreements for the lease of premises it owns to charitable 1544  
organizations for the conducting of more than two bingo sessions 1545  
per calendar week on the premises, may continue to lease the 1546  
premises to those charitable organizations, provided that no more 1547  
than four sessions are conducted per calendar week, that the 1548  
lessor organization or person has notified the attorney general in 1549  
writing of the organizations that will conduct the sessions and 1550  
the days of the week and the times of the day on which the 1551  
sessions will be conducted, that the initial lease entered into 1552  
with each organization that will conduct the sessions was filed 1553  
with the attorney general prior to December 6, 1977, and that each 1554  
organization that will conduct the sessions was issued a license 1555  
to conduct bingo games by the attorney general prior to December 1556  
6, 1977. 1557

(F) This section does not prohibit a bingo licensed 1558  
charitable organization or a game operator from giving any person 1559  
an instant bingo ticket as a prize. 1560

(G) Whoever violates division (A)(2) of this section is 1561  
guilty of illegally conducting a bingo game, a felony of the 1562

fourth degree. Except as otherwise provided in this division, 1563  
whoever violates division (A)(1) or (3), (B)(1), (2), or (3), 1564  
(C)(1) to (12), or (D) of this section is guilty of a minor 1565  
misdemeanor. If the offender previously has been convicted of a 1566  
violation of division (A)(1) or (3), (B)(1), (2), or (3), (C)(1) 1567  
to (11), or (D) of this section, a violation of division (A)(1) or 1568  
(3), (B)(1), (2), or (3), (C), or (D) of this section is a 1569  
misdemeanor of the first degree. Whoever violates division (C)(12) 1570  
of this section is guilty of a misdemeanor of the first degree, if 1571  
the offender previously has been convicted of a violation of 1572  
division (C)(12) of this section, a felony of the fourth degree. 1573

**Sec. 2915.091.** (A) No charitable organization that conducts 1574  
instant bingo shall do any of the following: 1575

(1) Fail to comply with the requirements of divisions (A)(1), 1576  
(2), and (3) of section 2915.09 of the Revised Code; 1577

(2) Conduct instant bingo unless either of the following 1578  
applies: 1579

(a) That organization is, and has received from the internal 1580  
revenue service a determination letter that is currently in effect 1581  
stating that the organization is, exempt from federal income 1582  
taxation under subsection 501(a), is described in subsection 1583  
501(c)(3) of the Internal Revenue Code, is a charitable 1584  
organization as defined in section 2915.01 of the Revised Code, is 1585  
in good standing in the state pursuant to section 2915.08 of the 1586  
Revised Code, and is in compliance with Chapter 1716. of the 1587  
Revised Code; 1588

(b) That organization is, and has received from the internal 1589  
revenue service a determination letter that is currently in effect 1590  
stating that the organization is, exempt from federal income 1591  
taxation under subsection 501(a), is described in subsection 1592  
501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) or is a veteran's 1593

organization described in subsection 501(c)(4) of the Internal Revenue Code, and conducts instant bingo under section 2915.13 of the Revised Code.

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

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

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

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

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

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

(9) Pay any compensation to a bingo game operator for conducting instant bingo that is conducted by the organization or for preparing, selling, or serving food or beverages at the site of the instant bingo game, permit any auxiliary unit or society of the organization to pay compensation to any bingo game operator who prepares, sells, or serves food or beverages at an instant bingo game conducted by the organization, or permit any auxiliary unit or society of the organization to prepare, sell, or serve food or beverages at an instant bingo game conducted by the organization, if the auxiliary unit or society pays any compensation to the bingo game operators who prepare, sell, or

serve the food or beverages; 1625

(10) Pay fees to any person for any services performed in 1626  
relation to an instant bingo game, except as provided in division 1627  
(D) of section 2915.093 of the Revised Code; 1628

(11) Pay fees to any person who provides refreshments to the 1629  
participants in an instant bingo game; 1630

(12)(a) Allow instant bingo tickets or cards to be sold to 1631  
bingo game operators at a premises at which the organization sells 1632  
instant bingo tickets or cards or to be sold to employees of a D 1633  
permit holder who are working at a premises at which instant bingo 1634  
tickets or cards are sold; 1635

(b) Division (A)(12)(a) of this section does not prohibit a 1636  
licensed charitable organization or a bingo game operator from 1637  
giving any person an instant bingo ticket as a prize in place of a 1638  
cash prize won by a participant in an instant bingo game. In no 1639  
case shall an instant bingo ticket or card be sold or provided for 1640  
a price different from the price printed on it by the manufacturer 1641  
on either the instant bingo ticket or card or on the game flare. 1642

(13) Fail to display its bingo license, and the serial 1643  
numbers of the deal of instant bingo tickets or cards to be sold, 1644  
conspicuously at each premises at which it sells instant bingo 1645  
tickets or cards; 1646

(14) Possess a deal of instant bingo tickets or cards that 1647  
was not purchased from a distributor licensed under section 1648  
2915.081 of the Revised Code as reflected on an invoice issued by 1649  
the distributor that contains all of the information required by 1650  
division (E) of section 2915.10 of the Revised Code; 1651

~~(15) Fail, once it opens a deal of instant bingo tickets or 1652  
cards, to continue to sell the tickets or cards in that deal until 1653  
the tickets or cards with the top two highest tiers of prizes in 1654  
that deal are sold; 1655~~

~~(16)~~ Possess bingo supplies that were not obtained in 1656  
accordance with sections 2915.01 to 2915.13 of the Revised Code. 1657

~~(B)(1) A charitable organization may conduct instant bingo 1658  
other than at a bingo session at not more than five separate 1659  
locations. A charitable organization that is exempt from federal 1660  
taxation under subsection 501(a) and described in subsection 1661  
501(c)(3) of the Internal Revenue Code and that is created by a 1662  
veteran's organization or a fraternal organization is not limited 1663  
in the number of separate locations the charitable organization 1664  
may conduct instant bingo other than at a bingo session. 1665~~

~~(2) A charitable organization may purchase, lease, or use 1666  
instant bingo ticket dispensers to sell instant bingo tickets or 1667  
cards. 1668~~

(C) The attorney general may adopt rules in accordance with 1669  
Chapter 119. of the Revised Code that govern the conduct of 1670  
instant bingo by charitable organizations. Before those rules are 1671  
adopted, the attorney general shall reference the recommended 1672  
standards for opacity, randomization, minimum information, winner 1673  
protection, color, and cutting for instant bingo tickets or cards, 1674  
seal cards, and punch boards established by the North American 1675  
gaming regulators association. 1676

(D) Whoever violates division (A) of this section or a rule 1677  
adopted under division (C) of this section is guilty of illegal 1678  
instant bingo conduct. Except as otherwise provided in this 1679  
division, illegal instant bingo conduct is a misdemeanor of the 1680  
first degree. If the offender previously has been convicted of a 1681  
violation of division (A) of this section or of such a rule, 1682  
illegal instant bingo conduct is a felony of the fifth degree. 1683

**Sec. 2915.092.** (A)(1) Subject to division (A)(2) of this 1684  
section, a charitable organization, a public school, a chartered 1685  
nonpublic school, a community school, or a veteran's organization, 1686

fraternal organization, or sporting organization that is exempt 1687  
from federal income taxation under subsection 501(a) and is 1688  
described in subsection 501(c)(3), 501(c)(4), 501(c)(7), 1689  
501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code 1690  
may conduct a raffle to raise money for the organization or school 1691  
and does not need a license to conduct bingo in order to conduct a 1692  
raffle drawing that is not for profit. 1693

(2) If a charitable organization that is described in 1694  
division (A)(1) of this section, but that is not also described in 1695  
subsection 501(c)(3) of the Internal Revenue Code, conducts a 1696  
raffle, the charitable organization shall distribute at least 1697  
fifty per cent of the net profit from the raffle to a charitable 1698  
purpose described in division ~~(Z)~~(V) of section 2915.01 of the 1699  
Revised Code or to a department or agency of the federal 1700  
government, the state, or any political subdivision. 1701

(B) Except as provided in division (A) or (B) of this 1702  
section, no person shall conduct a raffle drawing that is for 1703  
profit or a raffle drawing that is not for profit. 1704

(C) Whoever violates division (B) of this section is guilty 1705  
of illegal conduct of a raffle. Except as otherwise provided in 1706  
this division, illegal conduct of a raffle is a misdemeanor of the 1707  
first degree. If the offender previously has been convicted of a 1708  
violation of division (B) of this section, illegal conduct of a 1709  
raffle is a felony of the fifth degree. 1710

**Sec. 2915.093.** (A) As used in this section, "retail income 1711  
from all commercial activity" means the income that a person 1712  
receives from the provision of goods, services, or activities that 1713  
are provided at the location where instant bingo other than at a 1714  
bingo session is conducted, including the sale of instant bingo 1715  
tickets. A religious organization that is exempt from federal 1716



income taxation under subsection 501(a) and described in 1717  
subsection 501(c)(3) of the Internal Revenue Code, at not more 1718  
than one location at which it conducts its charitable programs, 1719  
may include donations from its members and guests as retail 1720  
income. 1721

~~(B) A charitable instant bingo organization may conduct 1722  
instant bingo other than at a bingo session at not more than five 1723  
separate locations. 1724~~

~~(C)~~(1) If a charitable instant bingo organization conducts 1725  
instant bingo other than at a bingo session, the charitable 1726  
instant bingo organization shall enter into a written contract 1727  
with the owner or lessor of the location at which the instant 1728  
bingo is conducted to allow the owner or lessor to assist in the 1729  
conduct of instant bingo other than at a bingo session, identify 1730  
each location where the instant bingo other than at a bingo 1731  
session is being conducted, and identify the owner or lessor of 1732  
each location. 1733

(2) A charitable instant bingo organization that conducts 1734  
instant bingo other than at a bingo session is not required to 1735  
enter into a written contract with the owner or lessor of the 1736  
location at which the instant bingo is conducted, provided that 1737  
the owner or lessor is not assisting in the conduct of the instant 1738  
bingo other than at a bingo session and provided that the conduct 1739  
of the instant bingo other than at a bingo session at that 1740  
location is not more than five days per calendar year and not more 1741  
than ten hours per day. 1742

~~(D)~~(C) Except as provided in division ~~(G)~~(F) of this section, 1743  
no charitable instant bingo organization shall conduct instant 1744  
bingo other than at a bingo session at a location where the 1745  
primary source of retail income from all commercial activity at 1746  
that location is the sale of instant bingo tickets. 1747

~~(E)~~(D) The owner or lessor of a location that enters into a contract pursuant to division ~~(C)~~(B) of this section shall pay the full gross profit, minus the expenses incurred by the owner or lessor of a location that can be attributed to conducting instant bingo at that location, to the charitable instant bingo organization, in return for the deal of instant bingo tickets. The owner or lessor may retain the money that the owner or lessor receives for selling the instant bingo tickets, provided, however, that after the deal has been sold, the owner or lessor shall pay to the charitable instant bingo organization the value of any unredeemed instant bingo prizes remaining in the deal of instant bingo tickets.

As used in this division, "full gross profit" means the amount by which the total receipts of all instant bingo tickets, if the deal had been sold in full, exceeds the amount that would be paid out if all prizes were redeemed.

As used in this division, "expenses" means reasonable amounts actually expended, and accounted for on a monthly basis, in total not to exceed twenty per cent of the full gross profit of the deal, for all of the following:

(1) Audits and accounting services;

(2) Safes;

(3) Cash registers;

(4) Advertising instant bingo;

(5) Tables and chairs;

(6) Wages for employees of the owner or lessor that are attributable to managing or assisting with the conduct of instant bingo;

(7) Expenses that can be attributed to maintaining the owner or lessor's premises at which instant bingo is conducted,

including rent or other costs of facility ownership, property or 1778  
casualty insurance premiums, and utility costs. 1779

The deduction of expenses under this section shall not make 1780  
any owner or lessor a professional solicitor as defined in 1781  
division (J) of section 1716.01 of the Revised Code. 1782

~~(F)~~(E) A charitable instant bingo organization shall provide 1783  
the attorney general with all of the following information: 1784

(1) That the charitable instant bingo organization has 1785  
terminated a contract entered into pursuant to division ~~(C)~~(B) of 1786  
this section with an owner or lessor of a location; 1787

(2) That the charitable instant bingo organization has 1788  
entered into a written contract pursuant to division ~~(C)~~(B) of 1789  
this section with a new owner or lessor of a location; 1790

(3) That the charitable instant bingo organization is aware 1791  
of conduct by the owner or lessor of a location at which instant 1792  
bingo is conducted that is in violation of this chapter. 1793

~~(G)~~(F) Division ~~(D)~~(C) of this section does not apply to a 1794  
volunteer firefighter's organization that is exempt from federal 1795  
income taxation under subsection 501(a) and described in 1796  
subsection 501(c)(3) of the Internal Revenue Code, that conducts 1797  
instant bingo other than at a bingo session on the premises where 1798  
the organization conducts firefighter training, that has conducted 1799  
instant bingo continuously for at least five years prior to July 1800  
1, 2003, and that, during each of those five years, had gross 1801  
receipts of at least one million five hundred thousand dollars. 1802

**Sec. 2915.094.** (A) No owner or lessor of a location shall 1803  
assist a charitable instant bingo organization in the conduct of 1804  
instant bingo other than at a bingo session at that location 1805  
unless the owner or lessor has entered into a written contract, as 1806  
described in ~~division (C)~~ of section 2915.093 of the Revised Code, 1807

with the charitable instant bingo organization to assist in the 1808  
conduct of instant bingo other than at a bingo session. 1809

(B) The location of the lessor or owner shall be designated 1810  
as a location where the charitable instant bingo organization 1811  
conducts instant bingo other than at a bingo session. 1812

(C) No owner or lessor of a location that enters into a 1813  
written contract as prescribed in division (A) of this section 1814  
shall violate any provision of Chapter 2915. of the Revised Code, 1815  
or permit, aid, or abet any other person in violating any 1816  
provision of Chapter 2915. of the Revised Code. 1817

(D) No owner or lessor of a location that enters into a 1818  
written contract as prescribed in division (A) of this section 1819  
shall violate the terms of the contract. 1820

(E)(1) Whoever violates division (C) or (D) of this section 1821  
is guilty of illegal instant bingo conduct. Except as otherwise 1822  
provided in this division, illegal instant bingo conduct is a 1823  
misdemeanor of the first degree. If the offender previously has 1824  
been convicted of a violation of division (C) or (D) of this 1825  
section, illegal instant bingo conduct is a felony of the fifth 1826  
degree. 1827

(2) If an owner or lessor of a location knowingly, 1828  
intentionally, or recklessly violates division (C) or (D) of this 1829  
section, any license that the owner or lessor holds for the retail 1830  
sale of any goods on the owner's or lessor's premises that is 1831  
issued by the state or a political subdivision is subject to 1832  
suspension, revocation, or payment of a monetary penalty at the 1833  
request of the attorney general. 1834

**Sec. 2915.10.** (A) No charitable organization that conducts 1835  
bingo or a game of chance pursuant to division (D) of section 1836  
2915.02 of the Revised Code shall fail to maintain the following 1837

records for at least three years from the date on which the bingo 1838  
or game of chance is conducted: 1839

(1) An itemized list of the gross receipts of each bingo 1840  
session, each game of instant bingo by serial number, each raffle, 1841  
each punch board game, and each game of chance, and an itemized 1842  
list of the gross profits of each game of instant bingo by serial 1843  
number; 1844

(2) An itemized list of all expenses, other than prizes, that 1845  
are incurred in conducting bingo or instant bingo, the name of 1846  
each person to whom the expenses are paid, and a receipt for all 1847  
of the expenses; 1848

(3) A list of all prizes awarded during each bingo session, 1849  
each raffle, each punch board game, and each game of chance 1850  
conducted by the charitable organization, the total prizes awarded 1851  
from each game of instant bingo by serial number, and the name, 1852  
address, and social security number of all persons who are winners 1853  
of prizes of six hundred dollars or more in value; 1854

(4) An itemized list of the recipients of the net profit of 1855  
the bingo or game of chance, including the name and address of 1856  
each recipient to whom the money is distributed, and if the 1857  
organization uses the net profit of bingo, or the money or assets 1858  
received from a game of chance, for any charitable or other 1859  
purpose set forth in division ~~(Z)~~(V) of section 2915.01, division 1860  
(D) of section 2915.02, or section 2915.101 of the Revised Code, a 1861  
list of each purpose and an itemized list of each expenditure for 1862  
each purpose; 1863

(5) The number of persons who participate in any bingo 1864  
session or game of chance that is conducted by the charitable 1865  
organization; 1866

(6) A list of receipts from the sale of food and beverages by 1867

the charitable organization or one of its auxiliary units or societies, if the receipts were excluded from gross receipts under division ~~(X)~~(T) of section 2915.01 of the Revised Code;

(7) An itemized list of all expenses incurred at each bingo session, each raffle, each punch board game, or each game of instant bingo conducted by the charitable organization in the sale of food and beverages by the charitable organization or by an auxiliary unit or society of the charitable organization, the name of each person to whom the expenses are paid, and a receipt for all of the expenses.

(B) A charitable organization shall keep the records that it is required to maintain pursuant to division (A) of this section at its principal place of business in this state or at its headquarters in this state and shall notify the attorney general of the location at which those records are kept.

(C) The gross profit from each bingo session or game described in division ~~(S)~~(O)(1) or (2) of section 2915.01 of the Revised Code shall be deposited into a checking account devoted exclusively to the bingo session or game. Payments for allowable expenses incurred in conducting the bingo session or game and payments to recipients of some or all of the net profit of the bingo session or game shall be made only by checks drawn on the bingo session or game account.

(D) Each charitable organization shall conduct and record an inventory of all of its bingo supplies as of the first day of November of each year.

(E) The attorney general may adopt rules in accordance with Chapter 119. of the Revised Code that establish standards of accounting, record keeping, and reporting to ensure that gross receipts from bingo or games of chance are properly accounted for.

(F) A distributor shall maintain, for a period of three years

after the date of its sale or other provision, a record of each 1899  
instance of its selling or otherwise providing to another person 1900  
bingo supplies for use in this state. The record shall include all 1901  
of the following for each instance: 1902

(1) The name of the manufacturer from which the distributor 1903  
purchased the bingo supplies and the date of the purchase; 1904

(2) The name and address of the charitable organization or 1905  
other distributor to which the bingo supplies were sold or 1906  
otherwise provided; 1907

(3) A description that clearly identifies the bingo supplies; 1908

(4) Invoices that include the nonrepeating serial numbers of 1909  
all paper bingo cards and sheets and all instant bingo deals sold 1910  
or otherwise provided to each charitable organization. 1911

(G) A manufacturer shall maintain, for a period of three 1912  
years after the date of its sale or other provision, a record of 1913  
each instance of its selling or otherwise providing bingo supplies 1914  
for use in this state. The record shall include all of the 1915  
following for each instance: 1916

(1) The name and address of the distributor to whom the bingo 1917  
supplies were sold or otherwise provided; 1918

(2) A description that clearly identifies the bingo supplies, 1919  
including serial numbers; 1920

(3) Invoices that include the nonrepeating serial numbers of 1921  
all paper bingo cards and sheets and all instant bingo deals sold 1922  
or otherwise provided to each distributor. 1923

(H) The attorney general or any law enforcement agency may do 1924  
all of the following: 1925

(1) Investigate any charitable organization or any officer, 1926  
agent, trustee, member, or employee of the organization; 1927

(2) Examine the accounts and records of the organization; 1928

(3) Conduct inspections, audits, and observations of bingo or 1929  
games of chance; 1930

(4) Conduct inspections of the premises where bingo or games 1931  
of chance are conducted; 1932

(5) Take any other necessary and reasonable action to 1933  
determine if a violation of any provision of sections 2915.01 to 1934  
2915.13 of the Revised Code has occurred and to determine whether 1935  
section 2915.11 of the Revised Code has been complied with. 1936

If any law enforcement agency has reasonable grounds to 1937  
believe that a charitable organization or an officer, agent, 1938  
trustee, member, or employee of the organization has violated any 1939  
provision of this chapter, the law enforcement agency may proceed 1940  
by action in the proper court to enforce this chapter, provided 1941  
that the law enforcement agency shall give written notice to the 1942  
attorney general when commencing an action as described in this 1943  
division. 1944

(I) No person shall destroy, alter, conceal, withhold, or 1945  
deny access to any accounts or records of a charitable 1946  
organization that have been requested for examination, or 1947  
obstruct, impede, or interfere with any inspection, audit, or 1948  
observation of bingo or a game of chance or premises where bingo 1949  
or a game of chance is conducted, or refuse to comply with any 1950  
reasonable request of, or obstruct, impede, or interfere with any 1951  
other reasonable action undertaken by, the attorney general or a 1952  
law enforcement agency pursuant to division (H) of this section. 1953

(J) Whoever violates division (A) or (I) of this section is 1954  
guilty of a misdemeanor of the first degree. 1955

**Sec. 2915.101.** Except as otherwise provided by law, a 1956  
charitable organization that conducts instant bingo shall 1957  
distribute the net profit from the proceeds of the sale of instant 1958



bingo as follows: 1959

(A)(1) If a veteran's organization, a fraternal organization, 1960  
or a sporting organization conducted the instant bingo, the 1961  
organization shall distribute the net profit from the proceeds of 1962  
the sale of instant bingo, as follows: 1963

(a) For the first two hundred fifty thousand dollars, or a 1964  
greater amount prescribed by the attorney general to adjust for 1965  
changes in prices as measured by the consumer price index as 1966  
defined in section 325.18 of the Revised Code and other factors 1967  
affecting the organization's expenses, as defined in division 1968  
~~(LL)~~(GG) of section 2915.01 of the Revised Code, or less of net 1969  
profit from the proceeds of the sale of instant bingo generated in 1970  
a calendar year: 1971

(i) At least twenty-five per cent shall be distributed to an 1972  
organization described in division ~~(Z)~~(V)(1) of section 2915.01 of 1973  
the Revised Code or to a department or agency of the federal 1974  
government, the state, or any political subdivision. 1975

(ii) Not more than seventy-five per cent may be deducted and 1976  
retained by the organization for reimbursement of or for the 1977  
organization's expenses, as defined in division ~~(LL)~~(GG) of 1978  
section 2915.01 of the Revised Code, in conducting the instant 1979  
bingo game. 1980

(b) For any net profit from the proceeds of the sale of 1981  
instant bingo of more than two hundred fifty thousand dollars or 1982  
an adjusted amount generated in a calendar year: 1983

(i) A minimum of fifty per cent shall be distributed to an 1984  
organization described in division ~~(Z)~~(V)(1) of section 2915.01 of 1985  
the Revised Code or to a department or agency of the federal 1986  
government, the state, or any political subdivision. 1987

(ii) Five per cent may be distributed for the organization's 1988  
own charitable purposes or to a community action agency. 1989

(iii) Forty-five per cent may be deducted and retained by the organization for reimbursement of or for the organization's expenses, as defined in division ~~(LL)~~(GG) of section 2915.01 of the Revised Code, in conducting the instant bingo game.

(2) If a veteran's organization, a fraternal organization, or a sporting organization does not distribute the full percentages specified in divisions (A)(1)(a) and (b) of this section for the purposes specified in those divisions, the organization shall distribute the balance of the net profit from the proceeds of the sale of instant bingo not distributed or retained for those purposes to an organization described in division ~~(Z)~~(V)(1) of section 2915.01 of the Revised Code.

(B) If a charitable organization other than a veteran's organization, a fraternal organization, or a sporting organization conducted the instant bingo, the organization shall distribute one hundred per cent of the net profit from the proceeds of the sale of instant bingo to an organization described in division ~~(Z)~~(V)(1) of section 2915.01 of the Revised Code or to a department or agency of the federal government, the state, or any political subdivision.

(C) Nothing in this section prohibits a veteran's organization, a fraternal organization, or a sporting organization from distributing any net profit from the proceeds of the sale of instant bingo to an organization that is described in subsection 501(c)(3) of the Internal Revenue Code when the organization that is described in subsection 501(c)(3) of the Internal Revenue Code is one that makes donations to other organizations and permits donors to advise or direct such donations so long as the donations comply with requirements established in or pursuant to subsection 501(c)(3) of the Internal Revenue Code.

**Sec. 2915.12.** (A) Sections 2915.07 to 2915.11 of the Revised

Code do not apply to bingo games that are conducted for the 2021  
purpose of amusement only. A bingo game is conducted for the 2022  
purpose of amusement only if it complies with all of the 2023  
requirements specified in either division (A)(1) or (2) of this 2024  
section: 2025

(1)(a) The participants do not pay any money or any other 2026  
thing of value including an admission fee, or any fee for bingo 2027  
cards or sheets, objects to cover the spaces, or other devices 2028  
used in playing bingo, for the privilege of participating in the 2029  
bingo game, or to defray any costs of the game, or pay tips or 2030  
make donations during or immediately before or after the bingo 2031  
game. 2032

(b) All prizes awarded during the course of the game are 2033  
nonmonetary, and in the form of merchandise, goods, or 2034  
entitlements to goods or services only, and the total value of all 2035  
prizes awarded during the game is less than one hundred dollars. 2036

(c) No commission, wages, salary, reward, tip, donation, 2037  
gratuity, or other form of compensation, either directly or 2038  
indirectly, and regardless of the source, is paid to any bingo 2039  
game operator for work or labor performed at the site of the bingo 2040  
game. 2041

(d) The bingo game is not conducted either during or within 2042  
ten hours of any of the following: 2043

(i) A bingo session during which a charitable bingo game is 2044  
conducted pursuant to sections 2915.07 to 2915.11 of the Revised 2045  
Code; 2046

(ii) A scheme or game of chance, or bingo described in 2047  
division ~~(S)~~(O)(2) of section 2915.01 of the Revised Code. 2048

(e) The number of players participating in the bingo game 2049  
does not exceed fifty. 2050

(2)(a) The participants do not pay money or any other thing 2051  
of value as an admission fee, and no participant is charged more 2052  
than twenty-five cents to purchase a bingo card or sheet, objects 2053  
to cover the spaces, or other devices used in playing bingo. 2054

(b) The total amount of money paid by all of the participants 2055  
for bingo cards or sheets, objects to cover the spaces, or other 2056  
devices used in playing bingo does not exceed one hundred dollars. 2057

(c) All of the money paid for bingo cards or sheets, objects 2058  
to cover spaces, or other devices used in playing bingo is used 2059  
only to pay winners monetary and nonmonetary prizes and to provide 2060  
refreshments. 2061

(d) The total value of all prizes awarded during the game 2062  
does not exceed one hundred dollars. 2063

(e) No commission, wages, salary, reward, tip, donation, 2064  
gratuity, or other form of compensation, either directly or 2065  
indirectly, and regardless of the source, is paid to any bingo 2066  
game operator for work or labor performed at the site of the bingo 2067  
game. 2068

(f) The bingo game is not conducted during or within ten 2069  
hours of either of the following: 2070

(i) A bingo session during which a charitable bingo game is 2071  
conducted pursuant to sections 2915.07 to 2915.11 of the Revised 2072  
Code; 2073

(ii) A scheme of chance or game of chance, or bingo described 2074  
in division ~~(S)~~(O)(2) of section 2915.01 of the Revised Code. 2075

(g) All of the participants reside at the premises where the 2076  
bingo game is conducted. 2077

(h) The bingo games are conducted on different days of the 2078  
week and not more than twice in a calendar week. 2079

(B) The attorney general or any local law enforcement agency 2080

may investigate the conduct of a bingo game that purportedly is 2081  
conducted for purposes of amusement only if there is reason to 2082  
believe that the purported amusement bingo game does not comply 2083  
with the requirements of either division (A)(1) or (2) of this 2084  
section. A local law enforcement agency may proceed by action in 2085  
the proper court to enforce this section if the local law 2086  
enforcement agency gives written notice to the attorney general 2087  
when commencing the action. 2088

Sec. 2915.18. (A) The owner of a permitted location may 2089  
establish a charity card room on the premises of the permitted 2090  
location. The owner shall provide necessary game tables, chairs, 2091  
surveillance, and other equipment in the charity card room. 2092

(B) A charitable organization may conduct games of chance in 2093  
a charity card room for up to one hundred twenty-eight hours 2094  
annually. Such hours need not be on consecutive days. More than 2095  
one charitable organization may conduct games of chance in a 2096  
charity card room simultaneously. 2097

(C)(1) The charitable organization shall pay rent to the 2098  
owner of a permitted location in the amount of fifteen per cent of 2099  
the revenue made from conducting the games of chance in the 2100  
charity card room. 2101

(2) A charitable organization shall pay expenses for 2102  
conducting games of chance in a charity card room, including 2103  
expenses for the following: dealers, payroll administration, 2104  
security, accounting, auditing, shuffle machine rental, insurance, 2105  
marketing, advertising, utilities, cleanup, maintenance, and 2106  
repair. A charitable organization may pay these expenses from its 2107  
share of the revenue made from conducting games of chance in the 2108  
charity card room. 2109

(3) Charitable organizations may pool revenue and expenses 2110  
when applicable in a charity card room. 2111

(4) One hundred per cent of the net revenue in a charity card room remaining after payment of expenses and rent shall be paid to each charitable organization on a pro rata basis, based on volunteer hours of each charitable organization. 2112  
2113  
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(D) Notwithstanding division (D) of section 2915.02 of the Revised Code, a charitable organization may compensate dealers, dealer supervisors, human resource personnel, and other related personnel for operating games of chance in a charity card room. Dealers also may accept tips from games of chance players. 2116  
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2119  
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(E) For the purposes of division (D)(1)(c) of section 2915.02 of the Revised Code, a charitable organization may conduct games of chance at a permitted location and conducting those games of chance in a charity card room is considered a festival if the charitable organization provides a display booth about the charitable organization in the charity card room at all times when it is conducting games of chance. 2121  
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**Sec. 2923.31.** As used in sections 2923.31 to 2923.36 of the Revised Code: 2128  
2129

(A) "Beneficial interest" means any of the following: 2130

(1) The interest of a person as a beneficiary under a trust in which the trustee holds title to personal or real property; 2131  
2132

(2) The interest of a person as a beneficiary under any other trust arrangement under which any other person holds title to personal or real property for the benefit of such person; 2133  
2134  
2135

(3) The interest of a person under any other form of express fiduciary arrangement under which any other person holds title to personal or real property for the benefit of such person. 2136  
2137  
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"Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in either a general or limited partnership. 2139  
2140  
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(B) "Costs of investigation and prosecution" and "costs of investigation and litigation" mean all of the costs incurred by the state or a county or municipal corporation under sections 2923.31 to 2923.36 of the Revised Code in the prosecution and investigation of any criminal action or in the litigation and investigation of any civil action, and includes, but is not limited to, the costs of resources and personnel.

(C) "Enterprise" includes any individual, sole proprietorship, partnership, limited partnership, corporation, trust, union, government agency, or other legal entity, or any organization, association, or group of persons associated in fact although not a legal entity. "Enterprise" includes illicit as well as licit enterprises.

(D) "Innocent person" includes any bona fide purchaser of property that is allegedly involved in a violation of section 2923.32 of the Revised Code, including any person who establishes a valid claim to or interest in the property in accordance with division (E) of section 2981.04 of the Revised Code, and any victim of an alleged violation of that section or of any underlying offense involved in an alleged violation of that section.

(E) "Pattern of corrupt activity" means two or more incidents of corrupt activity, whether or not there has been a prior conviction, that are related to the affairs of the same enterprise, are not isolated, and are not so closely related to each other and connected in time and place that they constitute a single event.

At least one of the incidents forming the pattern shall occur on or after January 1, 1986. Unless any incident was an aggravated murder or murder, the last of the incidents forming the pattern shall occur within six years after the commission of any prior incident forming the pattern, excluding any period of imprisonment

served by any person engaging in the corrupt activity. 2174

For the purposes of the criminal penalties that may be 2175  
imposed pursuant to section 2923.32 of the Revised Code, at least 2176  
one of the incidents forming the pattern shall constitute a felony 2177  
under the laws of this state in existence at the time it was 2178  
committed or, if committed in violation of the laws of the United 2179  
States or of any other state, shall constitute a felony under the 2180  
law of the United States or the other state and would be a 2181  
criminal offense under the law of this state if committed in this 2182  
state. 2183

(F) "Pecuniary value" means money, a negotiable instrument, a 2184  
commercial interest, or anything of value, as defined in section 2185  
1.03 of the Revised Code, or any other property or service that 2186  
has a value in excess of one hundred dollars. 2187

(G) "Person" means any person, as defined in section 1.59 of 2188  
the Revised Code, and any governmental officer, employee, or 2189  
entity. 2190

(H) "Personal property" means any personal property, any 2191  
interest in personal property, or any right, including, but not 2192  
limited to, bank accounts, debts, corporate stocks, patents, or 2193  
copyrights. Personal property and any beneficial interest in 2194  
personal property are deemed to be located where the trustee of 2195  
the property, the personal property, or the instrument evidencing 2196  
the right is located. 2197

(I) "Corrupt activity" means engaging in, attempting to 2198  
engage in, conspiring to engage in, or soliciting, coercing, or 2199  
intimidating another person to engage in any of the following: 2200

(1) Conduct defined as "racketeering activity" under the 2201  
"Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 2202  
1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended; 2203

(2) Conduct constituting any of the following: 2204



(a) A violation of section 1315.55, 1322.02, 2903.01, 2205  
2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 2206  
2905.11, 2905.22, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2207  
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2208  
2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2913.05, 2209  
2913.06, 2921.02, 2921.03, 2921.04, 2921.11, 2921.12, 2921.32, 2210  
2921.41, 2921.42, 2921.43, 2923.12, or 2923.17; division 2211  
(F)(1)(a), (b), or (c) of section 1315.53; division (A)(1) or (2) 2212  
of section 1707.042; division (B), (C)(4), (D), (E), or (F) of 2213  
section 1707.44; division (A)(1) or (2) of section 2923.20; 2214  
division (E) or (G) of section 3772.99; division (J)(1) of section 2215  
4712.02; section 4719.02, 4719.05, or 4719.06; division (C), (D), 2216  
or (E) of section 4719.07; section 4719.08; or division (A) of 2217  
section 4719.09 of the Revised Code. 2218

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 2219  
3769.19 of the Revised Code as it existed prior to July 1, 1996, 2220  
any violation of section 2915.02 of the Revised Code that occurs 2221  
on or after July 1, 1996, and that, had it occurred prior to that 2222  
date, would have been a violation of section 3769.11 of the 2223  
Revised Code as it existed prior to that date, or any violation of 2224  
section 2915.05 of the Revised Code that occurs on or after July 2225  
1, 1996, and that, had it occurred prior to that date, would have 2226  
been a violation of section 3769.15, 3769.16, or 3769.19 of the 2227  
Revised Code as it existed prior to that date. 2228

(c) Any violation of section 2907.21, 2907.22, 2907.31, 2229  
2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 2230  
2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37 2231  
of the Revised Code, any violation of section 2925.11 of the 2232  
Revised Code that is a felony of the first, second, third, or 2233  
fourth degree and that occurs on or after July 1, 1996, any 2234  
violation of section 2915.02 of the Revised Code that occurred 2235  
prior to July 1, 1996, any violation of section 2915.02 of the 2236

Revised Code that occurs on or after July 1, 1996, and that, had 2237  
it occurred prior to that date, would not have been a violation of 2238  
section 3769.11 of the Revised Code as it existed prior to that 2239  
date, any violation of section 2915.06 of the Revised Code as it 2240  
existed prior to July 1, 1996, or any violation of division (B) of 2241  
section 2915.05 of the Revised Code as it exists on and after July 2242  
1, 1996, when the proceeds of the violation, the payments made in 2243  
the violation, the amount of a claim for payment or for any other 2244  
benefit that is false or deceptive and that is involved in the 2245  
violation, or the value of the contraband or other property 2246  
illegally possessed, sold, or purchased in the violation exceeds 2247  
one thousand dollars, or any combination of violations described 2248  
in division (I)(2)(c) of this section when the total proceeds of 2249  
the combination of violations, payments made in the combination of 2250  
violations, amount of the claims for payment or for other benefits 2251  
that is false or deceptive and that is involved in the combination 2252  
of violations, or value of the contraband or other property 2253  
illegally possessed, sold, or purchased in the combination of 2254  
violations exceeds one thousand dollars; 2255

(d) Any violation of section 5743.112 of the Revised Code 2256  
when the amount of unpaid tax exceeds one hundred dollars; 2257

(e) Any violation or combination of violations of section 2258  
2907.32 of the Revised Code involving any material or performance 2259  
containing a display of bestiality or of sexual conduct, as 2260  
defined in section 2907.01 of the Revised Code, that is explicit 2261  
and depicted with clearly visible penetration of the genitals or 2262  
clearly visible penetration by the penis of any orifice when the 2263  
total proceeds of the violation or combination of violations, the 2264  
payments made in the violation or combination of violations, or 2265  
the value of the contraband or other property illegally possessed, 2266  
sold, or purchased in the violation or combination of violations 2267  
exceeds one thousand dollars; 2268

(f) Any combination of violations described in division	2269
(I)(2)(c) of this section and violations of section 2907.32 of the	2270
Revised Code involving any material or performance containing a	2271
display of bestiality or of sexual conduct, as defined in section	2272
2907.01 of the Revised Code, that is explicit and depicted with	2273
clearly visible penetration of the genitals or clearly visible	2274
penetration by the penis of any orifice when the total proceeds of	2275
the combination of violations, payments made in the combination of	2276
violations, amount of the claims for payment or for other benefits	2277
that is false or deceptive and that is involved in the combination	2278
of violations, or value of the contraband or other property	2279
illegally possessed, sold, or purchased in the combination of	2280
violations exceeds one thousand dollars;	2281
(g) Any violation of section 2905.32 of the Revised Code to	2282
the extent the violation is not based solely on the same conduct	2283
that constitutes corrupt activity pursuant to division (I)(2)(c)	2284
of this section due to the conduct being in violation of section	2285
2907.21 of the Revised Code.	2286
(3) Conduct constituting a violation of any law of any state	2287
other than this state that is substantially similar to the conduct	2288
described in division (I)(2) of this section, provided the	2289
defendant was convicted of the conduct in a criminal proceeding in	2290
the other state;	2291
(4) Animal or ecological terrorism;	2292
(5)(a) Conduct constituting any of the following:	2293
(i) Organized retail theft;	2294
(ii) Conduct that constitutes one or more violations of any	2295
law of any state other than this state, that is substantially	2296
similar to organized retail theft, and that if committed in this	2297
state would be organized retail theft, if the defendant was	2298
convicted of or pleaded guilty to the conduct in a criminal	2299

proceeding in the other state. 2300

(b) By enacting division (I)(5)(a) of this section, it is the 2301  
intent of the general assembly to add organized retail theft and 2302  
the conduct described in division (I)(5)(a)(ii) of this section as 2303  
conduct constituting corrupt activity. The enactment of division 2304  
(I)(5)(a) of this section and the addition by division (I)(5)(a) 2305  
of this section of organized retail theft and the conduct 2306  
described in division (I)(5)(a)(ii) of this section as conduct 2307  
constituting corrupt activity does not limit or preclude, and 2308  
shall not be construed as limiting or precluding, any prosecution 2309  
for a violation of section 2923.32 of the Revised Code that is 2310  
based on one or more violations of section 2913.02 or 2913.51 of 2311  
the Revised Code, one or more similar offenses under the laws of 2312  
this state or any other state, or any combination of any of those 2313  
violations or similar offenses, even though the conduct 2314  
constituting the basis for those violations or offenses could be 2315  
construed as also constituting organized retail theft or conduct 2316  
of the type described in division (I)(5)(a)(ii) of this section. 2317

(J) "Real property" means any real property or any interest 2318  
in real property, including, but not limited to, any lease of, or 2319  
mortgage upon, real property. Real property and any beneficial 2320  
interest in it is deemed to be located where the real property is 2321  
located. 2322

(K) "Trustee" means any of the following: 2323

(1) Any person acting as trustee under a trust in which the 2324  
trustee holds title to personal or real property; 2325

(2) Any person who holds title to personal or real property 2326  
for which any other person has a beneficial interest; 2327

(3) Any successor trustee. 2328

"Trustee" does not include an assignee or trustee for an 2329  
insolvent debtor or an executor, administrator, administrator with 2330

the will annexed, testamentary trustee, guardian, or committee, 2331  
appointed by, under the control of, or accountable to a court. 2332

(L) "Unlawful debt" means any money or other thing of value 2333  
constituting principal or interest of a debt that is legally 2334  
unenforceable in this state in whole or in part because the debt 2335  
was incurred or contracted in violation of any federal or state 2336  
law relating to the business of gambling activity or relating to 2337  
the business of lending money at an usurious rate unless the 2338  
creditor proves, by a preponderance of the evidence, that the 2339  
usurious rate was not intentionally set and that it resulted from 2340  
a good faith error by the creditor, notwithstanding the 2341  
maintenance of procedures that were adopted by the creditor to 2342  
avoid an error of that nature. 2343

(M) "Animal activity" means any activity that involves the 2344  
use of animals or animal parts, including, but not limited to, 2345  
hunting, fishing, trapping, traveling, camping, the production, 2346  
preparation, or processing of food or food products, clothing or 2347  
garment manufacturing, medical research, other research, 2348  
entertainment, recreation, agriculture, biotechnology, or service 2349  
activity that involves the use of animals or animal parts. 2350

(N) "Animal facility" means a vehicle, building, structure, 2351  
nature preserve, or other premises in which an animal is lawfully 2352  
kept, handled, housed, exhibited, bred, or offered for sale, 2353  
including, but not limited to, a zoo, rodeo, circus, amusement 2354  
park, hunting preserve, or premises in which a horse or dog event 2355  
is held. 2356

(O) "Animal or ecological terrorism" means the commission of 2357  
any felony that involves causing or creating a substantial risk of 2358  
physical harm to any property of another, the use of a deadly 2359  
weapon or dangerous ordnance, or purposely, knowingly, or 2360  
recklessly causing serious physical harm to property and that 2361  
involves an intent to obstruct, impede, or deter any person from 2362

participating in a lawful animal activity, from mining, foresting, 2363  
harvesting, gathering, or processing natural resources, or from 2364  
being lawfully present in or on an animal facility or research 2365  
facility. 2366

(P) "Research facility" means a place, laboratory, 2367  
institution, medical care facility, government facility, or public 2368  
or private educational institution in which a scientific test, 2369  
experiment, or investigation involving the use of animals or other 2370  
living organisms is lawfully carried out, conducted, or attempted. 2371

(Q) "Organized retail theft" means the theft of retail 2372  
property with a retail value of one thousand dollars or more from 2373  
one or more retail establishments with the intent to sell, 2374  
deliver, or transfer that property to a retail property fence. 2375

(R) "Retail property" means any tangible personal property 2376  
displayed, held, stored, or offered for sale in or by a retail 2377  
establishment. 2378

(S) "Retail property fence" means a person who possesses, 2379  
procures, receives, or conceals retail property that was 2380  
represented to the person as being stolen or that the person knows 2381  
or believes to be stolen. 2382

(T) "Retail value" means the full retail value of the retail 2383  
property. In determining whether the retail value of retail 2384  
property equals or exceeds one thousand dollars, the value of all 2385  
retail property stolen from the retail establishment or retail 2386  
establishments by the same person or persons within any 2387  
one-hundred-eighty-day period shall be aggregated. 2388

**Sec. 2933.51.** As used in sections 2933.51 to 2933.66 of the 2389  
Revised Code: 2390

(A) "Wire communication" means an aural transfer that is made 2391  
in whole or in part through the use of facilities for the 2392

transmission of communications by the aid of wires or similar 2393  
methods of connecting the point of origin of the communication and 2394  
the point of reception of the communication, including the use of 2395  
a method of connecting the point of origin and the point of 2396  
reception of the communication in a switching station, if the 2397  
facilities are furnished or operated by a person engaged in 2398  
providing or operating the facilities for the transmission of 2399  
communications. "Wire communication" includes an electronic 2400  
storage of a wire communication. 2401

(B) "Oral communication" means an oral communication uttered 2402  
by a person exhibiting an expectation that the communication is 2403  
not subject to interception under circumstances justifying that 2404  
expectation. "Oral communication" does not include an electronic 2405  
communication. 2406

(C) "Intercept" means the aural or other acquisition of the 2407  
contents of any wire, oral, or electronic communication through 2408  
the use of an interception device. 2409

(D) "Interception device" means an electronic, mechanical, or 2410  
other device or apparatus that can be used to intercept a wire, 2411  
oral, or electronic communication. "Interception device" does not 2412  
mean any of the following: 2413

(1) A telephone or telegraph instrument, equipment, or 2414  
facility, or any of its components, if the instrument, equipment, 2415  
facility, or component is any of the following: 2416

(a) Furnished to the subscriber or user by a provider of wire 2417  
or electronic communication service in the ordinary course of its 2418  
business and being used by the subscriber or user in the ordinary 2419  
course of its business; 2420

(b) Furnished by a subscriber or user for connection to the 2421  
facilities of a provider of wire or electronic communication 2422  
service and used in the ordinary course of that subscriber's or 2423

user's business;	2424
(c) Being used by a provider of wire or electronic communication service in the ordinary course of its business or by an investigative or law enforcement officer in the ordinary course of the officer's duties that do not involve the interception of wire, oral, or electronic communications.	2425 2426 2427 2428 2429
(2) A hearing aid or similar device being used to correct subnormal hearing to not better than normal.	2430 2431
(E) "Investigative officer" means any of the following:	2432
(1) An officer of this state or a political subdivision of this state, who is empowered by law to conduct investigations or to make arrests for a designated offense;	2433 2434 2435
(2) A person described in divisions (A)(11)(a) and (b) of section 2901.01 of the Revised Code;	2436 2437
(3) An attorney authorized by law to prosecute or participate in the prosecution of a designated offense;	2438 2439
(4) A secret service officer appointed pursuant to section 309.07 of the Revised Code;	2440 2441
(5) An officer of the United States, a state, or a political subdivision of a state who is authorized to conduct investigations pursuant to the "Electronic Communications Privacy Act of 1986," 100 Stat. 1848-1857, 18 U.S.C. 2510-2521 (1986), as amended.	2442 2443 2444 2445
(F) "Interception warrant" means a court order that authorizes the interception of wire, oral, or electronic communications and that is issued pursuant to sections 2933.53 to 2933.56 of the Revised Code.	2446 2447 2448 2449
(G) "Contents," when used with respect to a wire, oral, or electronic communication, includes any information concerning the substance, purport, or meaning of the communication.	2450 2451 2452
(H) "Communications common carrier" means a person who is	2453



engaged as a common carrier for hire in intrastate, interstate, or 2454  
foreign communications by wire, radio, or radio transmission of 2455  
energy. "Communications common carrier" does not include, to the 2456  
extent that the person is engaged in radio broadcasting, a person 2457  
engaged in radio broadcasting. 2458

(I) "Designated offense" means any of the following: 2459

(1) A felony violation of section 1315.53, 1315.55, 2903.01, 2460  
2903.02, 2903.11, 2905.01, 2905.02, 2905.11, 2905.22, 2905.32, 2461  
2907.02, 2907.21, 2907.22, 2909.02, 2909.03, 2909.04, 2909.22, 2462  
2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 2463  
2911.02, 2911.11, 2911.12, 2913.02, 2913.04, 2913.42, 2913.51, 2464  
2915.02, 2915.03, 2917.01, 2917.02, 2921.02, 2921.03, 2921.04, 2465  
2921.32, 2921.34, 2923.20, 2923.32, 2925.03, 2925.04, 2925.05, or 2466  
2925.06 or of division (B) of section 2915.05 or of division (E) 2467  
or (G) of section 3772.99 of the Revised Code; 2468

(2) A violation of section 2919.23 of the Revised Code that, 2469  
had it occurred prior to July 1, 1996, would have been a violation 2470  
of section 2905.04 of the Revised Code as it existed prior to that 2471  
date; 2472

(3) A felony violation of section 2925.11 of the Revised Code 2473  
that is not a minor drug possession offense, as defined in section 2474  
2925.01 of the Revised Code; 2475

(4) Complicity in the commission of a felony violation of a 2476  
section listed in division (I)(1), (2), or (3) of this section; 2477

(5) An attempt to commit, or conspiracy in the commission of, 2478  
a felony violation of a section listed in division (I)(1), (2), or 2479  
(3) of this section, if the attempt or conspiracy is punishable by 2480  
a term of imprisonment of more than one year. 2481

(J) "Aggrieved person" means a person who was a party to an 2482  
intercepted wire, oral, or electronic communication or a person 2483  
against whom the interception of the communication was directed. 2484

(K) "Person" means a person, as defined in section 1.59 of the Revised Code, or a governmental officer, employee, or entity.

(L) "Special need" means a showing that a licensed physician, licensed practicing psychologist, attorney, practicing cleric, journalist, or either spouse is personally engaging in continuing criminal activity, was engaged in continuing criminal activity over a period of time, or is committing, has committed, or is about to commit, a designated offense, or a showing that specified public facilities are being regularly used by someone who is personally engaging in continuing criminal activity, was engaged in continuing criminal activity over a period of time, or is committing, has committed, or is about to commit, a designated offense.

(M) "Journalist" means a person engaged in, connected with, or employed by, any news media, including a newspaper, magazine, press association, news agency, or wire service, a radio or television station, or a similar media, for the purpose of gathering, processing, transmitting, compiling, editing, or disseminating news for the general public.

(N) "Electronic communication" means a transfer of a sign, signal, writing, image, sound, datum, or intelligence of any nature that is transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system. "Electronic communication" does not mean any of the following:

(1) A wire or oral communication;

(2) A communication made through a tone-only paging device;

(3) A communication from an electronic or mechanical tracking device that permits the tracking of the movement of a person or object.

(O) "User" means a person or entity that uses an electronic communication service and is duly authorized by the provider of

the service to engage in the use of the electronic communication 2516  
service. 2517

(P) "Electronic communications system" means a wire, radio, 2518  
electromagnetic, photoelectronic, or photo-optical facility for 2519  
the transmission of electronic communications, and a computer 2520  
facility or related electronic equipment for the electronic 2521  
storage of electronic communications. 2522

(Q) "Electronic communication service" means a service that 2523  
provides to users of the service the ability to send or receive 2524  
wire or electronic communications. 2525

(R) "Readily accessible to the general public" means, with 2526  
respect to a radio communication, that the communication is none 2527  
of the following: 2528

(1) Scrambled or encrypted; 2529

(2) Transmitted using a modulation technique, the essential 2530  
parameters of which have been withheld from the public with the 2531  
intention of preserving the privacy of the communication; 2532

(3) Carried on a subcarrier or other signal subsidiary to a 2533  
radio transmission; 2534

(4) Transmitted over a communications system provided by a 2535  
communications common carrier, unless the communication is a 2536  
tone-only paging system communication; 2537

(5) Transmitted on a frequency allocated under part 25, 2538  
subpart D, E, or F of part 74, or part 94 of the Rules of the 2539  
Federal Communications Commission, as those provisions existed on 2540  
July 1, 1996, unless, in the case of a communication transmitted 2541  
on a frequency allocated under part 74 that is not exclusively 2542  
allocated to broadcast auxiliary services, the communication is a 2543  
two-way voice communication by radio. 2544

(S) "Electronic storage" means a temporary, intermediate 2545

storage of a wire or electronic communication that is incidental 2546  
to the electronic transmission of the communication, and a storage 2547  
of a wire or electronic communication by an electronic 2548  
communication service for the purpose of backup protection of the 2549  
communication. 2550

(T) "Aural transfer" means a transfer containing the human 2551  
voice at a point between and including the point of origin and the 2552  
point of reception. 2553

(U) "Pen register" means a device that records or decodes 2554  
electronic impulses that identify the numbers dialed, pulsed, or 2555  
otherwise transmitted on telephone lines to which the device is 2556  
attached. 2557

(V) "Trap and trace device" means a device that captures the 2558  
incoming electronic or other impulses that identify the 2559  
originating number of an instrument or device from which a wire 2560  
communication or electronic communication was transmitted but that 2561  
does not intercept the contents of the wire communication or 2562  
electronic communication. 2563

(W) "Judge of a court of common pleas" means a judge of that 2564  
court who is elected or appointed as a judge of general 2565  
jurisdiction or as a judge who exercises both general jurisdiction 2566  
and probate, domestic relations, or juvenile jurisdiction. "Judge 2567  
of a court of common pleas" does not mean a judge of that court 2568  
who is elected or appointed specifically as a probate, domestic 2569  
relations, or juvenile judge. 2570

**Sec. 3301.0714.** (A) The state board of education shall adopt 2571  
rules for a statewide education management information system. The 2572  
rules shall require the state board to establish guidelines for 2573  
the establishment and maintenance of the system in accordance with 2574  
this section and the rules adopted under this section. The 2575  
guidelines shall include: 2576

(1) Standards identifying and defining the types of data in the system in accordance with divisions (B) and (C) of this section;	2577 2578 2579
(2) Procedures for annually collecting and reporting the data to the state board in accordance with division (D) of this section;	2580 2581 2582
(3) Procedures for annually compiling the data in accordance with division (G) of this section;	2583 2584
(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section.	2585 2586
(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following:	2587 2588 2589
(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes:	2590 2591 2592
(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of disability. The categories of instructional services required by the guidelines under this	2593 2594 2595 2596 2597 2598 2599 2600 2601 2602 2603 2604 2605 2606 2607

division shall be the same as the categories of instructional	2608
services used in determining cost units pursuant to division	2609
(C)(3) of this section.	2610
(b) The numbers of students receiving support or	2611
extracurricular services for each of the support services or	2612
extracurricular programs offered by the school district, such as	2613
counseling services, health services, and extracurricular sports	2614
and fine arts programs. The categories of services required by the	2615
guidelines under this division shall be the same as the categories	2616
of services used in determining cost units pursuant to division	2617
(C)(4)(a) of this section.	2618
(c) Average student grades in each subject in grades nine	2619
through twelve;	2620
(d) Academic achievement levels as assessed under sections	2621
3301.0710, 3301.0711, and 3301.0712 of the Revised Code;	2622
(e) The number of students designated as having a disabling	2623
condition pursuant to division (C)(1) of section 3301.0711 of the	2624
Revised Code;	2625
(f) The numbers of students reported to the state board	2626
pursuant to division (C)(2) of section 3301.0711 of the Revised	2627
Code;	2628
(g) Attendance rates and the average daily attendance for the	2629
year. For purposes of this division, a student shall be counted as	2630
present for any field trip that is approved by the school	2631
administration.	2632
(h) Expulsion rates;	2633
(i) Suspension rates;	2634
(j) Dropout rates;	2635
(k) Rates of retention in grade;	2636
(l) For pupils in grades nine through twelve, the average	2637

number of carnegie units, as calculated in accordance with state 2638  
board of education rules; 2639

(m) Graduation rates, to be calculated in a manner specified 2640  
by the department of education that reflects the rate at which 2641  
students who were in the ninth grade three years prior to the 2642  
current year complete school and that is consistent with 2643  
nationally accepted reporting requirements; 2644

(n) Results of diagnostic assessments administered to 2645  
kindergarten students as required under section 3301.0715 of the 2646  
Revised Code to permit a comparison of the academic readiness of 2647  
kindergarten students. However, no district shall be required to 2648  
report to the department the results of any diagnostic assessment 2649  
administered to a kindergarten student if the parent of that 2650  
student requests the district not to report those results. 2651

(2) Personnel and classroom enrollment data for each school 2652  
district, including: 2653

(a) The total numbers of licensed employees and nonlicensed 2654  
employees and the numbers of full-time equivalent licensed 2655  
employees and nonlicensed employees providing each category of 2656  
instructional service, instructional support service, and 2657  
administrative support service used pursuant to division (C)(3) of 2658  
this section. The guidelines adopted under this section shall 2659  
require these categories of data to be maintained for the school 2660  
district as a whole and, wherever applicable, for each grade in 2661  
the school district as a whole, for each school building as a 2662  
whole, and for each grade in each school building. 2663

(b) The total number of employees and the number of full-time 2664  
equivalent employees providing each category of service used 2665  
pursuant to divisions (C)(4)(a) and (b) of this section, and the 2666  
total numbers of licensed employees and nonlicensed employees and 2667  
the numbers of full-time equivalent licensed employees and 2668

nonlicensed employees providing each category used pursuant to 2669  
division (C)(4)(c) of this section. The guidelines adopted under 2670  
this section shall require these categories of data to be 2671  
maintained for the school district as a whole and, wherever 2672  
applicable, for each grade in the school district as a whole, for 2673  
each school building as a whole, and for each grade in each school 2674  
building. 2675

(c) The total number of regular classroom teachers teaching 2676  
classes of regular education and the average number of pupils 2677  
enrolled in each such class, in each of grades kindergarten 2678  
through five in the district as a whole and in each school 2679  
building in the school district. 2680

(d) The number of lead teachers employed by each school 2681  
district and each school building. 2682

(3)(a) Student demographic data for each school district, 2683  
including information regarding the gender ratio of the school 2684  
district's pupils, the racial make-up of the school district's 2685  
pupils, the number of limited English proficient students in the 2686  
district, and an appropriate measure of the number of the school 2687  
district's pupils who reside in economically disadvantaged 2688  
households. The demographic data shall be collected in a manner to 2689  
allow correlation with data collected under division (B)(1) of 2690  
this section. Categories for data collected pursuant to division 2691  
(B)(3) of this section shall conform, where appropriate, to 2692  
standard practices of agencies of the federal government. 2693

(b) With respect to each student entering kindergarten, 2694  
whether the student previously participated in a public preschool 2695  
program, a private preschool program, or a head start program, and 2696  
the number of years the student participated in each of these 2697  
programs. 2698

(4) Any data required to be collected pursuant to federal 2699



law. 2700

(C) The education management information system shall include 2701  
cost accounting data for each district as a whole and for each 2702  
school building in each school district. The guidelines adopted 2703  
under this section shall require the cost data for each school 2704  
district to be maintained in a system of mutually exclusive cost 2705  
units and shall require all of the costs of each school district 2706  
to be divided among the cost units. The guidelines shall require 2707  
the system of mutually exclusive cost units to include at least 2708  
the following: 2709

(1) Administrative costs for the school district as a whole. 2710  
The guidelines shall require the cost units under this division 2711  
(C)(1) to be designed so that each of them may be compiled and 2712  
reported in terms of average expenditure per pupil in formula ADM 2713  
in the school district, as determined pursuant to section 3317.03 2714  
of the Revised Code. 2715

(2) Administrative costs for each school building in the 2716  
school district. The guidelines shall require the cost units under 2717  
this division (C)(2) to be designed so that each of them may be 2718  
compiled and reported in terms of average expenditure per 2719  
full-time equivalent pupil receiving instructional or support 2720  
services in each building. 2721

(3) Instructional services costs for each category of 2722  
instructional service provided directly to students and required 2723  
by guidelines adopted pursuant to division (B)(1)(a) of this 2724  
section. The guidelines shall require the cost units under 2725  
division (C)(3) of this section to be designed so that each of 2726  
them may be compiled and reported in terms of average expenditure 2727  
per pupil receiving the service in the school district as a whole 2728  
and average expenditure per pupil receiving the service in each 2729  
building in the school district and in terms of a total cost for 2730  
each category of service and, as a breakdown of the total cost, a 2731

cost for each of the following components:	2732
(a) The cost of each instructional services category required by guidelines adopted under division (B)(1)(a) of this section that is provided directly to students by a classroom teacher;	2733 2734 2735
(b) The cost of the instructional support services, such as services provided by a speech-language pathologist, classroom aide, multimedia aide, or librarian, provided directly to students in conjunction with each instructional services category;	2736 2737 2738 2739
(c) The cost of the administrative support services related to each instructional services category, such as the cost of personnel that develop the curriculum for the instructional services category and the cost of personnel supervising or coordinating the delivery of the instructional services category.	2740 2741 2742 2743 2744
(4) Support or extracurricular services costs for each category of service directly provided to students and required by guidelines adopted pursuant to division (B)(1)(b) of this section. The guidelines shall require the cost units under division (C)(4) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each building in the school district and in terms of a total cost for each category of service and, as a breakdown of the total cost, a cost for each of the following components:	2745 2746 2747 2748 2749 2750 2751 2752 2753 2754 2755
(a) The cost of each support or extracurricular services category required by guidelines adopted under division (B)(1)(b) of this section that is provided directly to students by a licensed employee, such as services provided by a guidance counselor or any services provided by a licensed employee under a supplemental contract;	2756 2757 2758 2759 2760 2761
(b) The cost of each such services category provided directly	2762

to students by a nonlicensed employee, such as janitorial 2763  
services, cafeteria services, or services of a sports trainer; 2764

(c) The cost of the administrative services related to each 2765  
services category in division (C)(4)(a) or (b) of this section, 2766  
such as the cost of any licensed or nonlicensed employees that 2767  
develop, supervise, coordinate, or otherwise are involved in 2768  
administering or aiding the delivery of each services category. 2769

(D)(1) The guidelines adopted under this section shall 2770  
require school districts to collect information about individual 2771  
students, staff members, or both in connection with any data 2772  
required by division (B) or (C) of this section or other reporting 2773  
requirements established in the Revised Code. The guidelines may 2774  
also require school districts to report information about 2775  
individual staff members in connection with any data required by 2776  
division (B) or (C) of this section or other reporting 2777  
requirements established in the Revised Code. The guidelines shall 2778  
not authorize school districts to request social security numbers 2779  
of individual students. The guidelines shall prohibit the 2780  
reporting under this section of a student's name, address, and 2781  
social security number to the state board of education or the 2782  
department of education. The guidelines shall also prohibit the 2783  
reporting under this section of any personally identifiable 2784  
information about any student, except for the purpose of assigning 2785  
the data verification code required by division (D)(2) of this 2786  
section, to any other person unless such person is employed by the 2787  
school district or the information technology center operated 2788  
under section 3301.075 of the Revised Code and is authorized by 2789  
the district or technology center to have access to such 2790  
information or is employed by an entity with which the department 2791  
contracts for the scoring of assessments administered under 2792  
section 3301.0711 of the Revised Code. The guidelines may require 2793  
school districts to provide the social security numbers of 2794

individual staff members and the county of residence for a 2795  
student. Nothing in this section prohibits the state board of 2796  
education or department of education from providing a student's 2797  
county of residence to the department of taxation to facilitate 2798  
the distribution of tax revenue. 2799

(2) The guidelines shall provide for each school district or 2800  
community school to assign a data verification code that is unique 2801  
on a statewide basis over time to each student whose initial Ohio 2802  
enrollment is in that district or school and to report all 2803  
required individual student data for that student utilizing such 2804  
code. The guidelines shall also provide for assigning data 2805  
verification codes to all students enrolled in districts or 2806  
community schools on the effective date of the guidelines 2807  
established under this section. 2808

Individual student data shall be reported to the department 2809  
through the information technology centers utilizing the code but, 2810  
except as provided in sections 3310.11, 3310.42, 3310.63, 2811  
3313.978, ~~3310.63,~~ and 3317.20 of the Revised Code, at no time 2812  
shall the state board or the department have access to information 2813  
that would enable any data verification code to be matched to 2814  
personally identifiable student data. 2815

Each school district shall ensure that the data verification 2816  
code is included in the student's records reported to any 2817  
subsequent school district, community school, or state institution 2818  
of higher education, as defined in section 3345.011 of the Revised 2819  
Code, in which the student enrolls. Any such subsequent district 2820  
or school shall utilize the same identifier in its reporting of 2821  
data under this section. 2822

The director of health shall request and receive, pursuant to 2823  
sections 3301.0723 and 3701.62 of the Revised Code, a data 2824  
verification code for a child who is receiving services under 2825  
division (A)(2) of section 3701.61 of the Revised Code. 2826

(E) The guidelines adopted under this section may require 2827  
school districts to collect and report data, information, or 2828  
reports other than that described in divisions (A), (B), and (C) 2829  
of this section for the purpose of complying with other reporting 2830  
requirements established in the Revised Code. The other data, 2831  
information, or reports may be maintained in the education 2832  
management information system but are not required to be compiled 2833  
as part of the profile formats required under division (G) of this 2834  
section or the annual statewide report required under division (H) 2835  
of this section. 2836

(F) Beginning with the school year that begins July 1, 1991, 2837  
the board of education of each school district shall annually 2838  
collect and report to the state board, in accordance with the 2839  
guidelines established by the board, the data required pursuant to 2840  
this section. A school district may collect and report these data 2841  
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 2842

(G) The state board shall, in accordance with the procedures 2843  
it adopts, annually compile the data reported by each school 2844  
district pursuant to division (D) of this section. The state board 2845  
shall design formats for profiling each school district as a whole 2846  
and each school building within each district and shall compile 2847  
the data in accordance with these formats. These profile formats 2848  
shall: 2849

(1) Include all of the data gathered under this section in a 2850  
manner that facilitates comparison among school districts and 2851  
among school buildings within each school district; 2852

(2) Present the data on academic achievement levels as 2853  
assessed by the testing of student achievement maintained pursuant 2854  
to division (B)(1)(d) of this section. 2855

(H)(1) The state board shall, in accordance with the 2856  
procedures it adopts, annually prepare a statewide report for all 2857

school districts and the general public that includes the profile 2858  
of each of the school districts developed pursuant to division (G) 2859  
of this section. Copies of the report shall be sent to each school 2860  
district. 2861

(2) The state board shall, in accordance with the procedures 2862  
it adopts, annually prepare an individual report for each school 2863  
district and the general public that includes the profiles of each 2864  
of the school buildings in that school district developed pursuant 2865  
to division (G) of this section. Copies of the report shall be 2866  
sent to the superintendent of the district and to each member of 2867  
the district board of education. 2868

(3) Copies of the reports received from the state board under 2869  
divisions (H)(1) and (2) of this section shall be made available 2870  
to the general public at each school district's offices. Each 2871  
district board of education shall make copies of each report 2872  
available to any person upon request and payment of a reasonable 2873  
fee for the cost of reproducing the report. The board shall 2874  
annually publish in a newspaper of general circulation in the 2875  
school district, at least twice during the two weeks prior to the 2876  
week in which the reports will first be available, a notice 2877  
containing the address where the reports are available and the 2878  
date on which the reports will be available. 2879

(I) Any data that is collected or maintained pursuant to this 2880  
section and that identifies an individual pupil is not a public 2881  
record for the purposes of section 149.43 of the Revised Code. 2882

(J) As used in this section: 2883

(1) "School district" means any city, local, exempted 2884  
village, or joint vocational school district and, in accordance 2885  
with section 3314.17 of the Revised Code, any community school. As 2886  
used in division (L) of this section, "school district" also 2887  
includes any educational service center or other educational 2888

entity required to submit data using the system established under 2889  
this section. 2890

(2) "Cost" means any expenditure for operating expenses made 2891  
by a school district excluding any expenditures for debt 2892  
retirement except for payments made to any commercial lending 2893  
institution for any loan approved pursuant to section 3313.483 of 2894  
the Revised Code. 2895

(K) Any person who removes data from the information system 2896  
established under this section for the purpose of releasing it to 2897  
any person not entitled under law to have access to such 2898  
information is subject to section 2913.42 of the Revised Code 2899  
prohibiting tampering with data. 2900

(L)(1) In accordance with division (L)(2) of this section and 2901  
the rules adopted under division (L)(10) of this section, the 2902  
department of education may sanction any school district that 2903  
reports incomplete or inaccurate data, reports data that does not 2904  
conform to data requirements and descriptions published by the 2905  
department, fails to report data in a timely manner, or otherwise 2906  
does not make a good faith effort to report data as required by 2907  
this section. 2908

(2) If the department decides to sanction a school district 2909  
under this division, the department shall take the following 2910  
sequential actions: 2911

(a) Notify the district in writing that the department has 2912  
determined that data has not been reported as required under this 2913  
section and require the district to review its data submission and 2914  
submit corrected data by a deadline established by the department. 2915  
The department also may require the district to develop a 2916  
corrective action plan, which shall include provisions for the 2917  
district to provide mandatory staff training on data reporting 2918  
procedures. 2919

(b) Withhold up to ten per cent of the total amount of state funds due to the district for the current fiscal year and, if not previously required under division (L)(2)(a) of this section, require the district to develop a corrective action plan in accordance with that division;

(c) Withhold an additional amount of up to twenty per cent of the total amount of state funds due to the district for the current fiscal year;

(d) Direct department staff or an outside entity to investigate the district's data reporting practices and make recommendations for subsequent actions. The recommendations may include one or more of the following actions:

(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;

(ii) Conduct a site visit and evaluation of the district;

(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;

(iv) Continue monitoring the district's data reporting;

(v) Assign department staff to supervise the district's data management system;

(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;

(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;

(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data



submitted by the district likely caused the district to receive a 2950  
higher performance rating than it deserved under that section, 2951  
issue a revised report card for the district; 2952

(ix) Any other action designed to correct the district's data 2953  
reporting problems. 2954

(3) Any time the department takes an action against a school 2955  
district under division (L)(2) of this section, the department 2956  
shall make a report of the circumstances that prompted the action. 2957  
The department shall send a copy of the report to the district 2958  
superintendent or chief administrator and maintain a copy of the 2959  
report in its files. 2960

(4) If any action taken under division (L)(2) of this section 2961  
resolves a school district's data reporting problems to the 2962  
department's satisfaction, the department shall not take any 2963  
further actions described by that division. If the department 2964  
withheld funds from the district under that division, the 2965  
department may release those funds to the district, except that if 2966  
the department withheld funding under division (L)(2)(c) of this 2967  
section, the department shall not release the funds withheld under 2968  
division (L)(2)(b) of this section and, if the department withheld 2969  
funding under division (L)(2)(d) of this section, the department 2970  
shall not release the funds withheld under division (L)(2)(b) or 2971  
(c) of this section. 2972

(5) Notwithstanding anything in this section to the contrary, 2973  
the department may use its own staff or an outside entity to 2974  
conduct an audit of a school district's data reporting practices 2975  
any time the department has reason to believe the district has not 2976  
made a good faith effort to report data as required by this 2977  
section. If any audit conducted by an outside entity under 2978  
division (L)(2)(d)(i) or (5) of this section confirms that a 2979  
district has not made a good faith effort to report data as 2980  
required by this section, the district shall reimburse the 2981

department for the full cost of the audit. The department may 2982  
withhold state funds due to the district for this purpose. 2983

(6) Prior to issuing a revised report card for a school 2984  
district under division (L)(2)(d)(viii) of this section, the 2985  
department may hold a hearing to provide the district with an 2986  
opportunity to demonstrate that it made a good faith effort to 2987  
report data as required by this section. The hearing shall be 2988  
conducted by a referee appointed by the department. Based on the 2989  
information provided in the hearing, the referee shall recommend 2990  
whether the department should issue a revised report card for the 2991  
district. If the referee affirms the department's contention that 2992  
the district did not make a good faith effort to report data as 2993  
required by this section, the district shall bear the full cost of 2994  
conducting the hearing and of issuing any revised report card. 2995

(7) If the department determines that any inaccurate data 2996  
reported under this section caused a school district to receive 2997  
excess state funds in any fiscal year, the district shall 2998  
reimburse the department an amount equal to the excess funds, in 2999  
accordance with a payment schedule determined by the department. 3000  
The department may withhold state funds due to the district for 3001  
this purpose. 3002

(8) Any school district that has funds withheld under 3003  
division (L)(2) of this section may appeal the withholding in 3004  
accordance with Chapter 119. of the Revised Code. 3005

(9) In all cases of a disagreement between the department and 3006  
a school district regarding the appropriateness of an action taken 3007  
under division (L)(2) of this section, the burden of proof shall 3008  
be on the district to demonstrate that it made a good faith effort 3009  
to report data as required by this section. 3010

(10) The state board of education shall adopt rules under 3011  
Chapter 119. of the Revised Code to implement division (L) of this 3012

section. 3013

(M) No information technology center or school district shall 3014  
acquire, change, or update its student administration software 3015  
package to manage and report data required to be reported to the 3016  
department unless it converts to a student software package that 3017  
is certified by the department. 3018

(N) The state board of education, in accordance with sections 3019  
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 3020  
license as defined under division (A) of section 3319.31 of the 3021  
Revised Code that has been issued to any school district employee 3022  
found to have willfully reported erroneous, inaccurate, or 3023  
incomplete data to the education management information system. 3024

(O) No person shall release or maintain any information about 3025  
any student in violation of this section. Whoever violates this 3026  
division is guilty of a misdemeanor of the fourth degree. 3027

(P) The department shall disaggregate the data collected 3028  
under division (B)(1)(n) of this section according to the race and 3029  
socioeconomic status of the students assessed. No data collected 3030  
under that division shall be included on the report cards required 3031  
by section 3302.03 of the Revised Code. 3032

(Q) If the department cannot compile any of the information 3033  
required by division (C)(5) of section 3302.03 of the Revised Code 3034  
based upon the data collected under this section, the department 3035  
shall develop a plan and a reasonable timeline for the collection 3036  
of any data necessary to comply with that division. 3037

**Sec. 3769.08.** (A) Any person holding a permit to conduct a 3038  
horse-racing meeting may provide a place in the race meeting 3039  
grounds or enclosure at which the permit holder may conduct and 3040  
supervise the pari-mutuel system of wagering by patrons of legal 3041  
age on the live racing programs and simulcast racing programs 3042

conducted by the permit holder. 3043

The pari-mutuel method of wagering upon the live racing 3044  
programs and simulcast racing programs held at or conducted within 3045  
such race track, and at the time of such horse-racing meeting, or 3046  
at other times authorized by the state racing commission, shall 3047  
not be unlawful. No other place, except that provided and 3048  
designated by the permit holder and except as provided in section 3049  
3769.26 of the Revised Code, nor any other method or system of 3050  
betting or wagering, except the pari-mutuel system, shall be used 3051  
or permitted by the permit holder; nor, except as provided in 3052  
section 3769.089 or 3769.26 of the Revised Code, shall the 3053  
pari-mutuel system of wagering be conducted by the permit holder 3054  
on any races except the races at the race track, grounds, or 3055  
enclosure for which the person holds a permit. Each permit holder 3056  
may retain as a commission an amount not to exceed eighteen per 3057  
cent of the total of all moneys wagered. 3058

The pari-mutuel wagering authorized by this section is 3059  
subject to sections 3769.25 to 3769.28 of the Revised Code. 3060

(B)(1) At the close of each racing day, each permit holder 3061  
authorized to conduct thoroughbred racing, out of the amount 3062  
retained on that day by the permit holder, shall pay by check, 3063  
draft, or money order to the tax commissioner, as a tax, a sum 3064  
equal to the following percentages of the total of all moneys 3065  
wagered on live racing programs on that day and shall separately 3066  
compute and pay by check, draft, or money order to the tax 3067  
commissioner, as a tax, a sum equal to the following percentages 3068  
of the total of all money wagered on simulcast racing programs on 3069  
that day: 3070

~~(1)~~(a) One per cent of the first two hundred thousand dollars 3071  
wagered, or any part of that amount; 3072

~~(2)~~(b) Two per cent of the next one hundred thousand dollars 3073

wagered, or any part of that amount; 3074

~~(3)(c)~~ Three per cent of the next one hundred thousand 3075  
dollars wagered, or any part of that amount; 3076

~~(4)(d)~~ Four per cent of all sums over four hundred thousand 3077  
dollars wagered. 3078

(2) On and after January 1, 2013, in addition to the state 3079  
tax levied under division (B)(1) of this section, on the first day 3080  
of each month, each permit holder authorized to conduct 3081  
thoroughbred racing, out of the amount retained during the prior 3082  
month by the permit holder, shall compute and pay by check, draft, 3083  
or money order to the legislative authority of the municipal 3084  
corporation or the board of township trustees of the township in 3085  
which the permit holder conducted thoroughbred racing, as a tax, a 3086  
sum equal to one and one-half per cent of all moneys wagered on 3087  
live racing programs during the prior month, and shall separately 3088  
compute and pay by check, draft, or money order to that 3089  
legislative authority or board of township trustees, as a tax, a 3090  
sum equal to one and one-half per cent of all money wagered on 3091  
simulcast racing programs during that prior month. 3092

(3) Except as otherwise provided in section 3769.089 of the 3093  
Revised Code, each permit holder authorized to conduct 3094  
thoroughbred racing shall use for purse money a sum equal to fifty 3095  
per cent of the pari-mutuel revenues retained by the permit holder 3096  
as a commission after payment of ~~the state tax~~ and local taxes 3097  
under divisions (B)(1) and (2) of this section. This fifty per 3098  
cent payment shall be in addition to the purse distribution from 3099  
breakage specified in this section. 3100

(4) Subject to division (M) of this section, from the moneys 3101  
paid to the tax commissioner by thoroughbred racing permit 3102  
holders, one-half of one per cent of the total of all moneys so 3103  
wagered on a racing day shall be paid into the Ohio fairs fund 3104

created by section 3769.082 of the Revised Code, one and 3105  
one-eighth per cent of the total of all moneys so wagered on a 3106  
racing day shall be paid into the Ohio thoroughbred race fund 3107  
created by section 3769.083 of the Revised Code, and one-quarter 3108  
of one per cent of the total of all moneys wagered on a racing day 3109  
by each permit holder shall be paid into the state racing 3110  
commission operating fund created by section 3769.03 of the 3111  
Revised Code. The required payment to the state racing commission 3112  
operating fund does not apply to county and independent fairs and 3113  
agricultural societies. The remaining moneys may be retained by 3114  
the permit holder, except as provided in this section with respect 3115  
to the odd cents redistribution. Amounts paid into the nursing 3116  
home franchise permit fee fund pursuant to this section and 3117  
section 3769.26 of the Revised Code shall be used solely for the 3118  
support of the PASSPORT program as determined in appropriations 3119  
made by the general assembly. If the PASSPORT program is 3120  
abolished, the amount that would have been paid to the nursing 3121  
home franchise permit fee fund under this chapter shall be paid to 3122  
the general revenue fund of the state. As used in this chapter, 3123  
"PASSPORT program" means the PASSPORT program created under 3124  
section 173.40 of the Revised Code. 3125

The total amount paid to the Ohio thoroughbred race fund 3126  
under this section and division (A) of section 3769.087 of the 3127  
Revised Code shall not exceed by more than six per cent the total 3128  
amount paid to this fund under this section and that section 3129  
during the immediately preceding calendar year. 3130

Each year, the total amount calculated for payment into the 3131  
Ohio fairs fund under this division, division (C) of this section, 3132  
and division (A) of section 3769.087 of the Revised Code shall be 3133  
an amount calculated using the percentages specified in this 3134  
division, division (C) of this section, and division (A) of 3135  
section 3769.087 of the Revised Code. 3136

(5) A permit holder may contract with a thoroughbred horsemen's organization for the organization to act as a representative of all thoroughbred owners and trainers participating in a horse-racing meeting conducted by the permit holder. A "thoroughbred horsemen's organization" is any corporation or association that represents, through membership or otherwise, more than one-half of the aggregate of all thoroughbred owners and trainers who were licensed and actively participated in racing within this state during the preceding calendar year. Except as otherwise provided in this paragraph, any moneys received by a thoroughbred horsemen's organization shall be used exclusively for the benefit of thoroughbred owners and trainers racing in this state through the administrative purposes of the organization, benevolent activities on behalf of the horsemen, promotion of the horsemen's rights and interests, and promotion of equine research. A thoroughbred horsemen's organization may expend not more than an aggregate of five per cent of its annual gross receipts, or a larger amount as approved by the organization, for dues, assessments, and other payments to all other local, national, or international organizations having as their primary purposes the promotion of thoroughbred horse racing, thoroughbred horsemen's rights, and equine research.

(C)(1) Except as otherwise provided in division (B) of this section, at the close of each racing day, each permit holder authorized to conduct harness or quarter horse racing, out of the amount retained that day by the permit holder, shall pay by check, draft, or money order to the tax commissioner, as a tax, a sum equal to the following percentages of the total of all moneys wagered on live racing programs and shall separately compute and pay by check, draft, or money order to the tax commissioner, as a tax, a sum equal to the following percentages of the total of all money wagered on simulcast racing programs on that day:

<del>(1)(a)</del> One per cent of the first two hundred thousand dollars wagered, or any part of that amount;	3169 3170
<del>(2)(b)</del> Two per cent of the next one hundred thousand dollars wagered, or any part of that amount;	3171 3172
<del>(3)(c)</del> Three per cent of the next one hundred thousand dollars wagered, or any part of that amount;	3173 3174
<del>(4)(d)</del> Four per cent of all sums over four hundred thousand dollars wagered.	3175 3176
<u>(2) On and after January 1, 2013, in addition to the state tax levied under division (C)(1) of this section, on the first day of each month, each permit holder authorized to conduct harness or quarter horse racing, out of the amount retained during the prior month by the permit holder, shall compute and pay by check, draft, or money order to the legislative authority of the municipal corporation or the board of township trustees of the township in which the permit holder conducted harness or quarter horse racing, as a tax, a sum equal to one and one-half per cent of all moneys wagered on live racing programs during the prior month, and shall separately compute and pay by check, draft, or money order to that legislative authority or board of township trustees, as a tax, a sum equal to one and one-half per cent of all money wagered on simulcast racing programs during that prior month.</u>	3177 3178 3179 3180 3181 3182 3183 3184 3185 3186 3187 3188 3189 3190
<u>(3) Except as otherwise provided in division (B) and subject to division (M) of this section, from the moneys paid to the tax commissioner by permit holders authorized to conduct harness or quarter horse racing, one-half of one per cent of all moneys wagered on that racing day shall be paid into the Ohio fairs fund; from the moneys paid to the tax commissioner by permit holders authorized to conduct harness racing, five-eighths of one per cent of all moneys wagered on that racing day shall be paid into the Ohio standardbred development fund; and from the moneys paid to</u>	3191 3192 3193 3194 3195 3196 3197 3198 3199



the tax commissioner by permit holders authorized to conduct 3200  
quarter horse racing, five-eighths of one per cent of all moneys 3201  
wagered on that racing day shall be paid into the Ohio quarter 3202  
horse development fund. 3203

(D) In addition, subject to division (M) of this section, 3204  
beginning on January 1, 1996, from the money paid to the tax 3205  
commissioner as a tax under this section and division (A) of 3206  
section 3769.087 of the Revised Code by harness horse permit 3207  
holders, one-half of one per cent of the amount wagered on a 3208  
racing day shall be paid into the Ohio standardbred development 3209  
fund. Beginning January 1, 1998, the payment to the Ohio 3210  
standardbred development fund required under this division does 3211  
not apply to county agricultural societies or independent 3212  
agricultural societies. 3213

The total amount paid to the Ohio standardbred development 3214  
fund under this division, division (C) of this section, and 3215  
division (A) of section 3769.087 of the Revised Code and the total 3216  
amount paid to the Ohio quarter horse development fund under this 3217  
division and division (A) of that section shall not exceed by more 3218  
than six per cent the total amount paid into the fund under this 3219  
division, division (C) of this section, and division (A) of 3220  
section 3769.087 of the Revised Code in the immediately preceding 3221  
calendar year. 3222

(E) Subject to division (M) of this section, from the money 3223  
paid as a tax under this chapter by harness and quarter horse 3224  
permit holders, one-quarter of one per cent of the total of all 3225  
moneys wagered on a racing day by each permit holder shall be paid 3226  
into the state racing commission operating fund created by section 3227  
3769.03 of the Revised Code. This division does not apply to 3228  
county and independent fairs and agricultural societies. 3229

(F) Except as otherwise provided in section 3769.089 of the 3230  
Revised Code, each permit holder authorized to conduct harness 3231

racing shall pay to the harness horsemen's purse pool a sum equal 3232  
to fifty per cent of the pari-mutuel revenues retained by the 3233  
permit holder as a commission after payment of the state ~~tax~~ and 3234  
local taxes under divisions (C)(1) and (2) of this section. This 3235  
fifty per cent payment is to be in addition to the purse 3236  
distribution from breakage specified in this section. 3237

(G) In addition, each permit holder authorized to conduct 3238  
harness racing shall be allowed to retain the odd cents of all 3239  
redistribution to be made on all mutual contributions exceeding a 3240  
sum equal to the next lowest multiple of ten. 3241

Forty per cent of that portion of that total sum of such odd 3242  
cents shall be used by the permit holder for purse money for Ohio 3243  
sired, bred, and owned colts, for purse money for Ohio bred 3244  
horses, and for increased purse money for horse races. Upon the 3245  
formation of the corporation described in section 3769.21 of the 3246  
Revised Code to establish a harness horsemen's health and 3247  
retirement fund, twenty-five per cent of that portion of that 3248  
total sum of odd cents shall be paid at the close of each racing 3249  
day by the permit holder to that corporation to establish and fund 3250  
the health and retirement fund. Until that corporation is formed, 3251  
that twenty-five per cent shall be paid at the close of each 3252  
racing day by the permit holder to the tax commissioner or the tax 3253  
commissioner's agent in the county seat of the county in which the 3254  
permit holder operates race meetings. The remaining thirty-five 3255  
per cent of that portion of that total sum of odd cents shall be 3256  
retained by the permit holder. 3257

(H) In addition, each permit holder authorized to conduct 3258  
thoroughbred racing shall be allowed to retain the odd cents of 3259  
all redistribution to be made on all mutuel contributions 3260  
exceeding a sum equal to the next lowest multiple of ten. Twenty 3261  
per cent of that portion of that total sum of such odd cents shall 3262  
be used by the permit holder for increased purse money for horse 3263

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3264 races. Upon the formation of the corporation described in section  
3265 3769.21 of the Revised Code to establish a thoroughbred horsemen's  
3266 health and retirement fund, forty-five per cent of that portion of  
3267 that total sum of odd cents shall be paid at the close of each  
3268 racing day by the permit holder to that corporation to establish  
3269 and fund the health and retirement fund. Until that corporation is  
3270 formed, that forty-five per cent shall be paid by the permit  
3271 holder to the tax commissioner or the tax commissioner's agent in  
3272 the county seat of the county in which the permit holder operates  
3273 race meetings, at the close of each racing day. The remaining  
3274 thirty-five per cent of that portion of that total sum of odd  
3275 cents shall be retained by the permit holder.

3276 (I) In addition, each permit holder authorized to conduct  
3277 quarter horse racing shall be allowed to retain the odd cents of  
3278 all redistribution to be made on all mutuel contributions  
3279 exceeding a sum equal to the next lowest multiple of ten, subject  
3280 to a tax of twenty-five per cent on that portion of the total sum  
3281 of such odd cents that is in excess of two thousand dollars during  
3282 a calendar year, which tax shall be paid at the close of each  
3283 racing day by the permit holder to the tax commissioner or the tax  
3284 commissioner's agent in the county seat of the county within which  
3285 the permit holder operates race meetings. Forty per cent of that  
3286 portion of that total sum of such odd cents shall be used by the  
3287 permit holder for increased purse money for horse races. The  
3288 remaining thirty-five per cent of that portion of that total sum  
3289 of odd cents shall be retained by the permit holder.

3290 (J)(1) To encourage the improvement of racing facilities for  
3291 the benefit of the public, breeders, and horse owners, and to  
3292 increase the revenue to the state from the increase in pari-mutuel  
3293 wagering resulting from those improvements, the taxes paid by a  
3294 permit holder to the state as provided for in this chapter shall  
3295 be reduced by three-fourths of one per cent of the total amount

wagered for those permit holders who make capital improvements to 3296  
existing race tracks or construct new race tracks. The percentage 3297  
of the reduction that may be taken each racing day shall equal 3298  
seventy-five per cent of the taxes levied under divisions (B)(1) 3299  
and (C)(1) of this section and section 3769.087 of the Revised 3300  
Code, and division (F)(2) of section 3769.26 of the Revised Code, 3301  
as applicable, divided by the calculated amount each fund should 3302  
receive under divisions (B) and (C) of this section and section 3303  
3769.087 of the Revised Code, and division (F)(2) of section 3304  
3769.26 of the Revised Code and the reduction provided for in this 3305  
division. If the resulting percentage is less than one, that 3306  
percentage shall be multiplied by the amount of the reduction 3307  
provided for in this division. Otherwise, the permit holder shall 3308  
receive the full reduction provided for in this division. The 3309  
amount of the allowable reduction not received shall be carried 3310  
forward and applied against future tax liability. After any 3311  
reductions expire, any reduction carried forward shall be treated 3312  
as a reduction as provided for in this division. 3313

If more than one permit holder is authorized to conduct 3314  
racing at the facility that is being built or improved, the cost 3315  
of the new race track or capital improvement shall be allocated 3316  
between or among all the permit holders in the ratio that the 3317  
permit holders' number of racing days bears to the total number of 3318  
racing days conducted at the facility. 3319

A reduction for a new race track or a capital improvement 3320  
shall start from the day racing is first conducted following the 3321  
date actual construction of the new race track or each capital 3322  
improvement is completed and the construction cost has been 3323  
approved by the racing commission, unless otherwise provided in 3324  
this section. A reduction for a new race track or a capital 3325  
improvement shall continue for a period of twenty-five years for 3326  
new race tracks and for fifteen years for capital improvements if 3327

the construction of the capital improvement or new race track 3328  
commenced prior to March 29, 1988, and for a period of ten years 3329  
for new race tracks or capital improvements if the construction of 3330  
the capital improvement or new race track commenced on or after 3331  
March 29, 1988, but before June 6, 2001, or until the total tax 3332  
reduction reaches seventy per cent of the approved cost of the new 3333  
race track or capital improvement, as allocated to each permit 3334  
holder, whichever occurs first. A reduction for a new race track 3335  
or a capital improvement approved after June 6, 2001, shall 3336  
continue until the total tax reduction reaches one hundred per 3337  
cent of the approved cost of the new race track or capital 3338  
improvement, as allocated to each permit holder. 3339

A reduction granted for a new race track or a capital 3340  
improvement, the application for which was approved by the racing 3341  
commission after March 29, 1988, but before June 6, 2001, shall 3342  
not commence nor shall the ten-year period begin to run until all 3343  
prior tax reductions with respect to the same race track have 3344  
ended. The total tax reduction because of capital improvements 3345  
shall not during any one year exceed for all permit holders using 3346  
any one track three-fourths of one per cent of the total amount 3347  
wagered, regardless of the number of capital improvements made. 3348  
Several capital improvements to a race track may be consolidated 3349  
in an application if the racing commission approved the 3350  
application prior to March 29, 1988. No permit holder may receive 3351  
a tax reduction for a capital improvement approved by the racing 3352  
commission on or after March 29, 1988, at a race track until all 3353  
tax reductions have ended for all prior capital improvements 3354  
approved by the racing commission under this section or section 3355  
3769.20 of the Revised Code at that race track. If there are two 3356  
or more permit holders operating meetings at the same track, they 3357  
may consolidate their applications. The racing commission shall 3358  
notify the tax commissioner when the reduction of tax begins and 3359  
when it ends. 3360

Each fiscal year the racing commission shall submit a report 3361  
to the tax commissioner, the office of budget and management, and 3362  
the legislative service commission. The report shall identify each 3363  
capital improvement project undertaken under this division and in 3364  
progress at each race track, indicate the total cost of each 3365  
project, state the tax reduction that resulted from each project 3366  
during the immediately preceding fiscal year, estimate the tax 3367  
reduction that will result from each project during the current 3368  
fiscal year, state the total tax reduction that resulted from all 3369  
such projects at all race tracks during the immediately preceding 3370  
fiscal year, and estimate the total tax reduction that will result 3371  
from all such projects at all race tracks during the current 3372  
fiscal year. 3373

(2) In order to qualify for the reduction in tax, a permit 3374  
holder shall apply to the racing commission in such form as the 3375  
commission may require and shall provide full details of the new 3376  
race track or capital improvement, including a schedule for its 3377  
construction and completion, and set forth the costs and expenses 3378  
incurred in connection with it. The racing commission shall not 3379  
approve an application unless the permit holder shows that a 3380  
contract for the new race track or capital improvement has been 3381  
let under an unrestricted competitive bidding procedure, unless 3382  
the contract is exempted by the controlling board because of its 3383  
unusual nature. In determining whether to approve an application, 3384  
the racing commission shall consider whether the new race track or 3385  
capital improvement will promote the safety, convenience, and 3386  
comfort of the racing public and horse owners and generally tend 3387  
towards the improvement of racing in this state. 3388

(3) If a new race track or capital improvement is approved by 3389  
the racing commission and construction has started, the tax 3390  
reduction may be authorized by the commission upon presentation of 3391  
copies of paid bills in excess of one hundred thousand dollars or 3392

ten per cent of the approved cost, whichever is greater. After the 3393  
initial authorization, the permit holder shall present copies of 3394  
paid bills. If the permit holder is in substantial compliance with 3395  
the schedule for construction and completion of the new race track 3396  
or capital improvement, the racing commission may authorize the 3397  
continuation of the tax reduction upon the presentation of the 3398  
additional paid bills. The total amount of the tax reduction 3399  
authorized shall not exceed the percentage of the approved cost of 3400  
the new race track or capital improvement specified in division 3401  
(J)(1) of this section. The racing commission may terminate any 3402  
tax reduction immediately if a permit holder fails to complete the 3403  
new race track or capital improvement, or to substantially comply 3404  
with the schedule for construction and completion of the new race 3405  
track or capital improvement. If a permit holder fails to complete 3406  
a new race track or capital improvement, the racing commission 3407  
shall order the permit holder to repay to the state the total 3408  
amount of tax reduced. The normal tax paid by the permit holder 3409  
shall be increased by three-fourths of one per cent of the total 3410  
amount wagered until the total amount of the additional tax 3411  
collected equals the total amount of tax reduced. 3412

(4) As used in this section: 3413

(a) "Capital improvement" means an addition, replacement, or 3414  
remodeling of a structural unit of a race track facility costing 3415  
at least one hundred thousand dollars, including, but not limited 3416  
to, the construction of barns used exclusively for the race track 3417  
facility, backstretch facilities for horsemen, paddock facilities, 3418  
new pari-mutuel and totalizator equipment and appurtenances to 3419  
that equipment purchased by the track, new access roads, new 3420  
parking areas, the complete reconstruction, reshaping, and 3421  
leveling of the racing surface and appurtenances, the installation 3422  
of permanent new heating or air conditioning, roof replacement or 3423  
restoration, installations of a permanent nature forming a part of 3424

the track structure, and construction of buildings that are 3425  
located on a permit holder's premises. "Capital improvement" does 3426  
not include the cost of replacement of equipment that is not 3427  
permanently installed, ordinary repairs, painting, and maintenance 3428  
required to keep a race track facility in ordinary operating 3429  
condition. 3430

(b) "New race track" includes the reconstruction of a race 3431  
track damaged by fire or other cause that has been declared by the 3432  
racing commission, as a result of the damage, to be an inadequate 3433  
facility for the safe operation of horse racing. 3434

(c) "Approved cost" includes all debt service and interest 3435  
costs that are associated with a capital improvement or new race 3436  
track and that the racing commission approves for a tax reduction 3437  
under division (J) of this section. 3438

(5) The racing commission shall not approve an application 3439  
for a tax reduction under this section if it has reasonable cause 3440  
to believe that the actions or negligence of the permit holder 3441  
substantially contributed to the damage suffered by the track due 3442  
to fire or other cause. The racing commission shall obtain any 3443  
data or information available from a fire marshal, law enforcement 3444  
official, or insurance company concerning any fire or other damage 3445  
suffered by a track, prior to approving an application for a tax 3446  
reduction. 3447

(6) The approved cost to which a tax reduction applies shall 3448  
be determined by generally accepted accounting principles and 3449  
verified by an audit of the permit holder's records upon 3450  
completion of the project by the racing commission, or by an 3451  
independent certified public accountant selected by the permit 3452  
holder and approved by the commission. 3453

(K) No other license or excise tax or fee, except as provided 3454  
in sections 3769.01 to 3769.14 of the Revised Code, shall be 3455



assessed or collected from such licensee by any county, township, 3456  
district, municipal corporation, or other body having power to 3457  
assess or collect a tax or fee. That portion of the tax paid under 3458  
this section by permit holders for racing conducted at and during 3459  
the course of an agricultural exposition or fair, and that portion 3460  
of the tax that would have been paid by eligible permit holders 3461  
into the nursing home franchise permit fee fund as a result of 3462  
racing conducted at and during the course of an agricultural 3463  
exposition or fair, shall be deposited into the state treasury to 3464  
the credit of the horse racing tax fund, which is hereby created 3465  
for the use of the agricultural societies of the several counties 3466  
in which the taxes originate. The state racing commission shall 3467  
determine eligible permit holders for purposes of the preceding 3468  
sentence, taking into account the breed of horse, the racing 3469  
dates, the geographic proximity to the fair, and the best 3470  
interests of Ohio racing. On the first day of any month on which 3471  
there is money in the fund, the tax commissioner shall provide for 3472  
payment to the treasurer of each agricultural society the amount 3473  
of the taxes collected under this section upon racing conducted at 3474  
and during the course of any exposition or fair conducted by the 3475  
society. 3476

(L) From the state tax paid under this section by harness 3477  
track permit holders, the tax commissioner shall pay into the Ohio 3478  
thoroughbred race fund a sum equal to a percentage of the amount 3479  
wagered upon which the tax is paid. The percentage shall be 3480  
determined by the tax commissioner and shall be rounded to the 3481  
nearest one-hundredth. The percentage shall be such that, when 3482  
multiplied by the amount wagered upon which state tax was paid by 3483  
the harness track permit holders in the most recent year for which 3484  
final figures are available, it results in a sum that 3485  
substantially equals the same amount of state tax paid by the tax 3486  
commissioner during that year into the Ohio fairs fund from taxes 3487  
paid by thoroughbred permit holders. This division does not apply 3488

to county and independent fairs and agricultural societies. 3489

(M) Twenty-five per cent of the state taxes levied on 3490  
thoroughbred racing permit holders, harness racing permit holders, 3491  
and quarter horse racing permit holders under this section, 3492  
division (A) of section 3769.087 of the Revised Code, and division 3493  
(F)(2) of section 3769.26 of the Revised Code shall be paid into 3494  
the nursing home franchise permit fee fund. The tax commissioner 3495  
shall pay any money remaining, after the payment into the nursing 3496  
home franchise permit fee fund and the reductions provided for in 3497  
division (J) of this section and in section 3769.20 of the Revised 3498  
Code, into the Ohio fairs fund, Ohio thoroughbred race fund, Ohio 3499  
standardbred development fund, Ohio quarter horse fund, and state 3500  
racing commission operating fund as prescribed in this section and 3501  
division (A) of section 3769.087 of the Revised Code. The tax 3502  
commissioner shall thereafter use and apply the balance of the 3503  
money paid as a state tax by any permit holder to cover any 3504  
shortage in the accounts of such funds resulting from an 3505  
insufficient payment as a state tax by any other permit holder. 3506  
The moneys received by the tax commissioner shall be deposited 3507  
weekly and paid by the tax commissioner into the funds to cover 3508  
the total aggregate amount due from all permit holders to the 3509  
funds, as calculated under this section and division (A) of 3510  
section 3769.087 of the Revised Code, as applicable. If, after the 3511  
payment into the nursing home franchise permit fee fund, 3512  
sufficient funds are not available from the state tax deposited by 3513  
the tax commissioner to pay the required amounts into the Ohio 3514  
fairs fund, Ohio standardbred development fund, Ohio thoroughbred 3515  
race fund, Ohio quarter horse fund, and the state racing 3516  
commission operating fund, the tax commissioner shall prorate on a 3517  
proportional basis the amount paid to each of the funds. Any 3518  
shortage to the funds as a result of a proration shall be applied 3519  
against future deposits for the same calendar year when funds are 3520  
available. After this application, the tax commissioner shall pay 3521

any remaining money paid as a state tax by all permit holders into 3522  
the nursing home franchise permit fee fund. This division does not 3523  
apply to permit holders conducting racing at the course of an 3524  
agricultural exposition or fair as described in division (K) of 3525  
this section. 3526

**Sec. 3769.087.** (A) In addition to the commission of eighteen 3527  
per cent retained by each permit holder as provided in section 3528  
3769.08 of the Revised Code, each permit holder shall retain an 3529  
additional amount equal to four per cent of the total of all 3530  
moneys wagered on each racing day on all wagering pools other than 3531  
win, place, and show, of which amount retained an amount equal to 3532  
three per cent of the total of all moneys wagered on each racing 3533  
day on those pools shall be paid by check, draft, or money order 3534  
to the tax commissioner, as a tax. Subject to the restrictions 3535  
contained in divisions (B), (C), and (M) of section 3769.08 of the 3536  
Revised Code, from such additional moneys paid to the tax 3537  
commissioner: 3538

(1) Four-sixths shall be allocated to fund distribution as 3539  
provided in division (M) of section 3769.08 of the Revised Code. 3540

(2) One-twelfth shall be paid into the Ohio fairs fund 3541  
created by section 3769.082 of the Revised Code. 3542

(3) One-twelfth of the additional moneys paid to the tax 3543  
commissioner by thoroughbred racing permit holders shall be paid 3544  
into the Ohio thoroughbred race fund created by section 3769.083 3545  
of the Revised Code. 3546

(4) One-twelfth of the additional moneys paid to the tax 3547  
commissioner by harness horse racing permit holders shall be paid 3548  
to the Ohio standardbred development fund created by section 3549  
3769.085 of the Revised Code. 3550

(5) One-twelfth of the additional moneys paid to the tax 3551

commissioner by quarter horse racing permit holders shall be paid 3552  
to the Ohio quarter horse development fund created by section 3553  
3769.086 of the Revised Code. 3554

(6) One-sixth shall be paid into the state racing commission 3555  
operating fund created by section 3769.03 of the Revised Code. 3556

The remaining one per cent that is retained of the total of 3557  
all moneys wagered on each racing day on all pools other than win, 3558  
place, and show, shall be retained by racing permit holders, and, 3559  
except as otherwise provided in section 3769.089 of the Revised 3560  
Code, racing permit holders shall use one-half for purse money and 3561  
retain one-half. 3562

(B) In addition to the commission of eighteen per cent 3563  
retained by each permit holder as provided in section 3769.08 of 3564  
the Revised Code and the additional amount retained by each permit 3565  
holder as provided in division (A) of this section, each permit 3566  
holder shall retain an additional amount equal to one-half of one 3567  
per cent of the total of all moneys wagered on each racing day on 3568  
all wagering pools other than win, place, and show. The additional 3569  
amount retained under this division shall be paid by check, draft, 3570  
or money order to the tax commissioner, as a tax. The tax 3571  
commissioner shall pay the amount of the tax received under this 3572  
division to the state racing commission operating fund created by 3573  
section 3769.03 of the Revised Code. 3574

(C) Each permit holder authorized by the state lottery 3575  
commission to conduct video lottery terminal gaming shall receive 3576  
a commission of video lottery terminal income as set forth in rule 3577  
3770:2-3-08 of the Administrative Code. A percentage of that 3578  
commission may be paid to the state racing commission for the 3579  
benefit of breeding and racing in this state. If so paid, the 3580  
percentage paid to the state racing commission shall be based on 3581  
rules promulgated by the state racing commission. 3582

Sec. 3769.089. (A) As used in this chapter: 3583

(1) "Racing day" means any day authorized under a permit 3584  
holder's permit on which, at a simulcast host, either a live 3585  
racing program is conducted as authorized under section 3769.07 of 3586  
the Revised Code or a simulcast racing program is conducted as 3587  
authorized under this section. 3588

(2) "Live racing day" means a racing day on which a live 3589  
racing program is conducted by the permit holder along with 3590  
simulcasts of all other available racing programs from within this 3591  
state and simulcast racing programs from outside this state as 3592  
authorized under this section. 3593

(3) "Live racing program" means a racing program consisting 3594  
of no fewer than seven live horse races at thoroughbred tracks and 3595  
nine live races at standardbred tracks and additional horse races 3596  
simulcast from other facilities located either inside or outside 3597  
this state, in which not more than two horse races on which 3598  
pari-mutuel wagering is conducted are simulcast from facilities 3599  
located outside this state. If only one racing meeting of a 3600  
particular breed of horse is being held, no fewer than nine live 3601  
horse races shall be held on a live racing day. If, during the 3602  
course of a racing meeting at a standardbred track, the racing 3603  
secretary of the permit holder determines that there is an 3604  
insufficient number of entries to have a full field of eight 3605  
horses for each of nine races on a live racing program, then the 3606  
racing secretary of the permit holder, after consultation with the 3607  
Ohio harness horsemens association, may reduce the number of live 3608  
races on that live racing program ~~from nine to either eight or~~ 3609  
~~seven~~, as the racing secretary may determine. The racing secretary 3610  
shall not reduce the live racing program to less than seven live 3611  
races. If during the course of a meeting at a thoroughbred track, 3612  
the racing secretary of a permit holder determines that there is 3613

an insufficient number of entries to have a full field of eight 3614  
horses for each of nine races on a live racing program, then the 3615  
racing secretary of the permit holder, with the consent of the 3616  
thoroughbred horsemens association, may reduce the number of live 3617  
races on that live racing program ~~from nine to either eight or~~ 3618  
~~seven~~, as the racing secretary may determine. The racing secretary 3619  
shall not reduce the live racing program to less than seven live 3620  
races. No more than seventeen races on which pari-mutuel wagering 3621  
is conducted, including both live races and races simulcast from 3622  
other facilities located either inside or outside this state, 3623  
shall be part of a live racing program. 3624

(4) "Simulcast host" means a track or enclosure in this state 3625  
where, on a racing day, a permit holder is doing one or both of 3626  
the following: 3627

(a) Conducting a live racing program and offering this 3628  
program for simulcasting to one or more simulcast guests and 3629  
satellite facilities in this state; 3630

(b) Receiving a simulcast racing program for simulcasting to 3631  
one or more simulcast guests and satellite facilities in this 3632  
state. 3633

(5) "Simulcast guest" means any track or enclosure that is 3634  
receiving from a simulcast host, on a day other than a racing day, 3635  
a live racing program or a simulcast racing program. 3636

(6) "Simulcast racing program" means all simulcasts of horse 3637  
races to a simulcast host or simulcast guest on a racing day or on 3638  
any other day on which pari-mutuel wagering is conducted, but does 3639  
not include any simulcast horse races from inside or outside this 3640  
state that are included in a simulcast host's live racing program. 3641

(7) "Satellite facility" has the same meaning as in section 3642  
3769.25 of the Revised Code. 3643

(8) "Collection and settlement agent" has the same meaning as 3644

in section 3769.0810 of the Revised Code. 3645

(9) "Special racing event" means individual races in live 3646  
racing programs or simulcast racing programs, and simulcast racing 3647  
programs on special event days under division (C) of this section, 3648  
conducted at facilities located outside this state for which the 3649  
track, racing association, or state regulatory agency conducting 3650  
such races charges a simulcast host a fee for the privilege of 3651  
receiving a simulcast of such races into this state that is higher 3652  
than the customary and regular fee charged for simulcast races 3653  
because of the status or popularity of such races. 3654

(B)(1) The state racing commission shall, upon request by any 3655  
permit holder, permit electronically televised simulcasts of horse 3656  
races at the permit holder's track or enclosure on racing days 3657  
authorized by the permit holder's permit. Except as provided in 3658  
division (B) of this section, the commission shall not permit the 3659  
simulcast of any simulcast racing program conducted at tracks or 3660  
facilities located outside this state unless the out-of-state 3661  
simulcast racing program is available to all permit holders, 3662  
whether serving as simulcast hosts or simulcast guests, and all 3663  
satellite facilities, in this state open and operating on that 3664  
day. A permit holder or satellite facility may inform the 3665  
commission that it waives the right to receive the simulcast of a 3666  
simulcast racing program or a race in a simulcast racing program 3667  
on that day and in this event the simulcast racing program or 3668  
simulcast race shall be available to all other simulcast hosts, 3669  
simulcast guests, and satellite facilities open and operating in 3670  
this state on that day. 3671

~~In order for a permit holder to offer simulcasts of horse 3672  
races conducted at facilities located outside this state, the 3673  
permit holder shall have conducted live racing programs during the 3674  
immediately preceding calendar year on a number of days that is 3675  
not less than the number of regular live racing days it conducted 3676~~

~~in calendar year 1991, not including additional racing days 3677  
conducted in calendar year 1991 by the permit holder at a 3678  
winterized facility under a permit issued under section 3769.07 of 3679  
the Revised Code, as certified by the commission. In satisfying 3680  
the foregoing requirement for live racing days during the 3681  
immediately preceding calendar year, a permit holder may include 3682  
the number of days on which live racing programs were conducted 3683  
under a permit issued under section 3769.07 of the Revised Code 3684  
for additional racing days at a winterized facility. In addition, 3685  
in order for a permit holder to offer simulcasts of horse races 3686  
conducted at facilities located outside this state, the permit 3687  
holder shall offer all simulcasts of horse races conducted in this 3688  
state made available to it. 3689~~

~~In order for a permit holder to offer simulcasts of races 3690  
conducted at race tracks located outside this state at the same 3691  
time and during the hours in which the live races of a live racing 3692  
program are being conducted at its track, a permit holder 3693  
conducting a thoroughbred live racing program shall obtain the 3694  
consent of the thoroughbred horsemens association and a permit 3695  
holder conducting a harness live racing program shall obtain the 3696  
consent of the Ohio harness horsemens association. The consent of 3697  
the horsemen's organization shall not be unreasonably withheld, 3698  
and shall be consistent with the interest of preserving live 3699  
racing in this state. If a horsemen's organization withholds its 3700  
consent, the permit holder may file an objection with the 3701  
commission, which shall promptly consider the objection and 3702  
determine whether the horsemen's organization's action in 3703  
withholding consent is without substantial merit and, if the 3704  
commission so determines, shall authorize the permit holder to 3705  
simulcast the simulcast racing programs. The determination of the 3706  
commission is final. A permit holder, as a simulcast host, may 3707  
offer simulcast racing programs at its track or enclosure of races 3708  
conducted at tracks and facilities located outside this state 3709~~



~~prior to the commencement of, and following the conclusion of, its~~ 3710  
~~live races without obtaining the consent of a horsemen's~~ 3711  
~~organization under this division.~~ 3712

(2) Notwithstanding section 3769.07 of the Revised Code: 3713

(a) In calendar year 2013, the permit holder at each 3714  
standardbred track shall conduct a minimum of seventy-five live 3715  
racing days. In calendar year 2013, the permit holder at each 3716  
thoroughbred track shall conduct a minimum of seventy-five live 3717  
racing days or the number of live racing days that were conducted 3718  
at that track in calendar year 2012, whichever is greater. The 3719  
live racing days shall be selected by the permit holder, but are 3720  
subject to the approval of the commission. 3721

(b) In calendar year 2014, the permit holder at each 3722  
standardbred track shall conduct a minimum of one hundred live 3723  
racing days. In calendar year 2014, the permit holder at each 3724  
thoroughbred track shall conduct a minimum of one hundred live 3725  
racing days or the number of live racing days that were conducted 3726  
at that track in calendar year 2012, whichever is greater. The 3727  
live racing days shall be selected by the permit holder, but are 3728  
subject to the approval of the commission. 3729

(c) A permit holder shall conduct a minimum of one hundred 3730  
twenty-five live racing days and a maximum of two hundred ten live 3731  
racing days in calendar year 2015 and in each subsequent calendar 3732  
year. The live racing days shall be selected by the permit holder, 3733  
but are subject to the approval of the commission. 3734

(3) For the purposes of division (B)(2) of this section, for 3735  
live racing conducted at a track with more than one permit, the 3736  
minimum and maximum live racing days shall apply to those permits 3737  
collectively and not as a single permit. 3738

(4) In addition to the required live racing days, a permit 3739  
holder shall simulcast a simulcast racing program on a minimum of 3740

three hundred sixty days each calendar year. The permit holder 3741  
shall simulcast all simulcast racing programs conducted in this 3742  
state and made available to the permit holder and simulcast racing 3743  
programs conducted outside this state. 3744

(5) The commission may make exception to the required minimum 3745  
number of live racing days or simulcast racing program days in 3746  
instances of natural disaster or other unexpected circumstances as 3747  
defined by the commission, in its sole discretion. For any 3748  
calendar year, the horsemen's association at each track may 3749  
negotiate an agreement with the permit holder for that track to 3750  
reduce the number of live racing days at that track to less than 3751  
the minimum live racing days required by division (B)(2)(a), (b), 3752  
or (c) of this section, as applicable, or to increase the number 3753  
of live racing days at that track to a number that is greater than 3754  
the maximum live racing days permitted by division (B)(2)(c) of 3755  
this section, subject to the approval of the commission. These 3756  
negotiations shall not reduce the number of live racing days to 3757  
less than fifty days per calendar year. 3758

(6) To satisfy the requirement of live racing days, a permit 3759  
holder may include the number of days on which live racing 3760  
programs were conducted under a permit issued under section 3761  
3769.07 of the Revised Code for racing days authorized at a 3762  
winterized facility. 3763

(7) Notwithstanding any other provision related to simulcast 3764  
racing programs, in order for a permit holder to offer simulcast 3765  
racing programs of races conducted at tracks located outside this 3766  
state at the same time and during the hours in which the live 3767  
races of a live racing program are being conducted at its track, a 3768  
permit holder conducting a thoroughbred live racing program shall 3769  
obtain the consent of the thoroughbred horsemen's association and 3770  
a permit holder conducting a harness live racing program shall 3771  
obtain the consent of the Ohio harness horsemen's association. The 3772

consent of the applicable horsemen's association shall be 3773  
consistent with the interest of preserving live racing in this 3774  
state. A permit holder, as a simulcast host, may offer simulcast 3775  
racing programs at its track or enclosure of races conducted at 3776  
tracks and facilities located outside this state before the 3777  
commencement of, and following the conclusion of, its live races 3778  
without obtaining the consent of a horsemen's association under 3779  
this division. 3780

(C) The commission shall allocate to each track one racing 3781  
day for each permit holder during each calendar year for the 3782  
conduct of a live racing program on which a permit holder may 3783  
conduct as few as one live horse race, with the remainder of the 3784  
horse races on that racing day on which pari-mutuel wagering is 3785  
conducted as part of the live racing program being simulcast from 3786  
other tracks and facilities located either inside or outside this 3787  
state. In addition, the commission may allocate to each permit 3788  
holder racing days on which it may as part of a live racing 3789  
program simulcast more than two horse races from facilities 3790  
located outside this state if the horse races involve a national 3791  
wagering pool and pari-mutuel wagering is conducted on the 3792  
national wagering pool, but on such a racing day there shall in no 3793  
event be more than two horse races simulcast from facilities 3794  
located outside this state included in a live racing program on 3795  
which separate pari-mutuel wagering is conducted. As used in this 3796  
division, "national wagering pool" means an interstate or 3797  
intrastate common pari-mutuel wagering pool involving two or more 3798  
selections covering two or more horse races conducted at tracks 3799  
located inside or outside this state. 3800

In emergency situations, the commission may authorize a live 3801  
racing day at a track in which all horse races on that racing day 3802  
on which pari-mutuel wagering is conducted are simulcast from 3803  
tracks and facilities located either inside or outside this state 3804

with the consent of the thoroughbred horsemens association for a 3805  
track conducting a thoroughbred live racing program and with the 3806  
consent of the Ohio harness horsemens association for a track 3807  
conducting a harness live racing program. ~~If a horsemen's 3808  
organization withholds its consent, the permit holder may file an 3809  
objection with the commission, which shall promptly consider the 3810  
objection and determine whether the horsemen's organization's 3811  
action in withholding consent is without substantial merit and, if 3812  
the commission so determines, shall authorize the permit holder to 3813  
simulcast the simulcast racing programs. The determination of the 3814  
commission is final.~~ 3815

(D) On any day that a racing day has been applied for at any 3816  
track in this state, each track in this state may operate as 3817  
either a simulcast host or a simulcast guest and may conduct, with 3818  
the approval of the state racing commission, pari-mutuel wagering 3819  
on all simulcasts of races conducted inside this state made 3820  
available to it plus all simulcasts of races conducted at 3821  
facilities located outside this state as determined by the 3822  
simulcast hosts. Except as otherwise provided in this section, any 3823  
simulcast host or simulcast guest may receive and conduct 3824  
simulcast racing programs that feature any breed of horse at any 3825  
time of day, as authorized by the commission. Those persons 3826  
holding state fair, county fair, or other fair permits shall not 3827  
receive a simulcast racing program on which pari-mutuel wagering 3828  
is conducted, except that a holder of a permit issued under 3829  
section 3769.07 of the Revised Code that has been authorized by 3830  
the commission to conduct races of the state fair, a county fair, 3831  
or other fair at a commercial track may receive and conduct 3832  
simulcast racing programs as a simulcast host or simulcast guest 3833  
at the same time in conjunction with the live racing program of 3834  
the state fair, county fair, or other fair permit holder conducted 3835  
at its track. 3836

The simulcast hosts, with the approval of the state racing commission, shall determine which simulcast racing programs offered by race tracks located outside this state will be simulcast at their tracks and at all simulcast hosts, simulcast guests, and satellite facilities in this state that are open and operating during the hours that the simulcast hosts are operating. Simulcast guests and satellite facilities shall receive all approved simulcast racing programs offered by simulcast hosts. In addition, a simulcast host and simulcast guest, with the approval of the commission, may also receive simulcast horse races and simulcast racing programs not agreed to by simulcast hosts.

A simulcast host that normally operates during the day only may serve as a simulcast host for only day-simulcast racing programs, which include all simulcast racing programs that commence at a track located outside this state on or before four p.m. A simulcast host that normally operates during the evening only may serve as a simulcast host for only evening-simulcast racing programs, which include all simulcast racing programs that commence at a track located outside this state on or after three p.m. A simulcast host that normally operates during the evening, but that under its permit conducts live racing programs during the day, may serve as a simulcast host for day-simulcast racing programs. A permit holder that is offering at its track simulcast racing programs that commence at a track located outside this state on or before four p.m. and simulcast racing programs that commence at a track located outside this state on or after three p.m. may serve as a simulcast host for both the day-simulcast racing program and the evening-simulcast racing program only if no other permit holder is serving as a simulcast host for the other simulcast racing programs. The times listed in this and the immediately following paragraphs are standard time as described in section 1.04 of the Revised Code and in the "Uniform Time Act of 1966," 80 Stat. 107, 15 U.S.C. 260 to 265.

If a simulcast host is conducting a racing program that 3870  
features thoroughbred or quarter horses on the same day that 3871  
another simulcast host is conducting a live racing program that 3872  
features harness horses at a track located in the same county as, 3873  
or within twenty miles of, the track of the first simulcast host, 3874  
the first simulcast host shall not conduct pari-mutuel wagering on 3875  
simulcast racing programs that commence after four p.m. on that 3876  
day and the second simulcast host shall not conduct wagering on 3877  
simulcast racing programs that commence before three p.m. on that 3878  
day. 3879

A simulcast host that is conducting a live racing program and 3880  
is simulcasting that program to other simulcast hosts and 3881  
simulcast guests in this state shall receive from each simulcast 3882  
host and each simulcast guest receiving the simulcast an 3883  
intrastate simulcast fee of one and three-eighths per cent of the 3884  
amounts wagered on such simulcast racing program at its 3885  
facilities. The simulcast hosts and simulcast guests receiving 3886  
such simulcast racing program shall pay the intrastate simulcast 3887  
fee to the collection and settlement agent, and the fee shall be 3888  
disbursed by the agent, at the time and in the manner provided in 3889  
section 3769.0810 of the Revised Code. 3890

(E)(1) The moneys wagered on simulcast racing programs on a 3891  
racing day shall be separated from the moneys wagered on the live 3892  
racing program on that racing day. From the moneys wagered on the 3893  
simulcast races, each permit holder may retain as a commission the 3894  
percentage of the amount wagered as specified in sections 3769.08 3895  
and 3769.087 of the Revised Code, as applicable, and shall pay, by 3896  
check, draft, or money order to the state tax commissioner, as a 3897  
tax, the tax specified in sections 3769.08 and 3769.087 of the 3898  
Revised Code, as applicable. From the tax collected, the tax 3899  
commissioner shall make the distributions to the respective funds, 3900  
and in the proper amounts, as required by sections 3769.08 and 3901

3769.087 of the Revised Code, as applicable. Except as provided in 3902  
divisions (E)(2) and (3) of this section, from the amount 3903  
remaining after the payment of state taxes on the moneys wagered 3904  
on live racing programs and on the moneys wagered on simulcast 3905  
racing programs, a permit holder shall retain an amount equal to 3906  
two and ~~three-eighths~~ three-eighths per cent of the amount wagered 3907  
on live racing programs and on intrastate and interstate simulcast 3908  
racing programs simulcast at its track and on the amount wagered 3909  
on the live racing programs and simulcast racing programs at a 3910  
satellite facility allocated to it under section 3769.26 of the 3911  
Revised Code, as a fee to pay for those costs associated with the 3912  
reception and transmission of simulcasts and the administrative 3913  
cost of the conduct of live racing programs and simulcast racing 3914  
programs. From the remaining balance, one-half shall be retained 3915  
by the permit holder for purses. On a day when a permit holder 3916  
conducts a live racing program, all purse money generated from 3917  
wagering on live racing programs and on simulcast racing programs 3918  
at its track shall be used for that permit holder's purse account. 3919  
On a day when a permit holder operates as a simulcast host with no 3920  
live racing program, or operates as a simulcast guest, all purse 3921  
money generated from wagering on intrastate and interstate 3922  
simulcast racing programs shall be paid to the state racing 3923  
commission for deposit into the Ohio combined simulcast horse 3924  
racing purse fund created under this section. In addition, on a 3925  
day when a permit holder serves as a simulcast host for a 3926  
satellite facility, all purse money generated from amounts wagered 3927  
at the satellite facility allocated to the permit holder under 3928  
section 3769.26 of the Revised Code shall be paid to the 3929  
commission for deposit into the Ohio simulcast horse racing purse 3930  
fund. 3931

(2) If there are not four satellite facilities in operation 3932  
in this state within one year after ~~the effective date of this~~ 3933  
~~section~~ September 19, 1996, or if there are not seven satellite 3934

facilities in operation in this state within two years after ~~the~~ 3935  
~~effective date of this section~~ September 19, 1996, or if there are 3936  
not ten satellite facilities in operation in this state within 3937  
three years after ~~the effective date of this section~~ September 19, 3938  
1996, then in any such event the amount to be retained as a fee by 3939  
the permit holder under division (E)(1) of this section shall be 3940  
one and seven-eighths per cent until such time as the number of 3941  
satellite facilities specified in division (E)(2) of this section 3942  
are in operation. For good cause shown, the thoroughbred horsemens 3943  
association and Ohio harness horsemens association may waive the 3944  
requirements of division (E)(2) of this section or extend the date 3945  
for compliance as to any year by filing a written notification 3946  
with the state racing commission. 3947

(3) If a simulcast racing program simulcast by a simulcast 3948  
host at its track or enclosure and to other simulcast hosts, 3949  
simulcast guests, and satellite facilities in this state is a 3950  
special racing event, the permit holder offering the special 3951  
racing event and other simulcast hosts, simulcast guests, and 3952  
satellite facilities receiving the special racing event shall not 3953  
retain the fee provided under division (E)(1) or (2) of this 3954  
section but shall retain from the moneys wagered on the special 3955  
racing event an amount equal to the fee charged by the track, 3956  
racing association, or state regulatory agency simulcasting the 3957  
special racing event to the simulcast host. From the remaining 3958  
balance, one-half shall be retained by the permit holder for 3959  
purses in the manner provided in division (E)(1) of this section. 3960

A permit holder proposing to simulcast a special racing event 3961  
as a simulcast host shall advise its horsemen's organization of 3962  
the proposed schedule of the special racing event and obtain its 3963  
consent to this schedule. The consent of the horsemen's 3964  
organization ~~shall not be unreasonably withheld and~~ shall be 3965  
consistent with the interest of preserving live racing in this 3966



~~state. If the horsemen's organization withholds its consent, the 3967  
permit holder may file an objection with the state racing 3968  
commission, which shall promptly consider the objection and 3969  
determine whether the organization's action in withholding consent 3970  
is without substantial merit and, if the commission so determines, 3971  
shall authorize the permit holder to simulcast the special racing 3972  
event. The determination of the commission is final. 3973~~

(F) There is hereby created in the state treasury the Ohio 3974  
combined simulcast horse racing purse fund, to consist of moneys 3975  
paid into it by permit holders pursuant to division (E) of this 3976  
section and by satellite facilities pursuant to division (F) of 3977  
section 3769.26 of the Revised Code. Moneys to the credit of the 3978  
fund, including interest earned thereon, may be used by the 3979  
commission for the costs of administering this division and the 3980  
balance shall be distributed among permit holders no less 3981  
frequently than monthly to each permit holder's purse account on 3982  
order of the commission. 3983

For each calendar year, permit holders at each track shall 3984  
receive a share of each distribution of the Ohio combined 3985  
simulcast horse racing purse fund in the same percentage, rounded 3986  
to the nearest one-hundredth of the amount of each distribution, 3987  
as the average total amount wagered at the track on racing days at 3988  
which live racing programs were conducted, including the amount 3989  
allocated to the track under section 3769.26 of the Revised Code 3990  
for live races, during the five calendar years immediately 3991  
preceding the year for which the distribution is made bears to the 3992  
average annual total amount wagered at all tracks in the state 3993  
operating under permits issued by the state racing commission 3994  
under section 3769.07, 3769.071, or 3769.072 of the Revised Code 3995  
on all racing days at which live racing programs were conducted, 3996  
including the amount allocated to the tracks under section 3769.26 3997  
of the Revised Code for live races, during the five calendar years 3998

immediately preceding the year for which the distribution is made. 3999  
By the thirty-first day of January of each year the commission 4000  
shall calculate the share of the permit holders at each track for 4001  
that year, shall enter the share percentages in its official 4002  
records, and shall notify all permit holders of the share 4003  
percentages of all tracks for that calendar year. 4004

The permit holders at each track, with the approval of the 4005  
commission, shall allocate their share of the fund as distributed 4006  
to the purse account of each permit holder for each race meeting. 4007

The commission shall cause to be kept accurate records of its 4008  
administration of the fund, including all administrative expenses 4009  
incurred by it and charged to the fund, and of distributions to 4010  
permit holders. These records are public records available for 4011  
inspection at any time during the regular business hours of the 4012  
commission by any permit holder or horsemen's organization, by an 4013  
authorized agent of the permit holder or horsemen's organization, 4014  
or by any other person. 4015

(G) Upon the approval of the commission, a permit holder 4016  
conducting live racing programs may transmit electronically 4017  
televised simulcasts of horse races conducted at the permit 4018  
holder's track to racing associations, tracks, and facilities 4019  
located outside this state for the conduct of pari-mutuel wagering 4020  
thereon, at the times, on the terms, and for the fee agreed upon 4021  
by the permit holder and the receiving racing association, track, 4022  
or facility. From the fees paid to the permit holder for such 4023  
simulcasts, a permit holder shall retain for the costs of 4024  
administration a fee in an amount equal to one per cent of the 4025  
amount wagered on the races simulcast by the permit holder. From 4026  
the remaining balance of the fee, one-half shall be retained by 4027  
the permit holder for purses, except that notwithstanding the fee 4028  
arrangement between the permit holder and the receiving racing 4029  
association, track, or facility, the permit holder shall deposit 4030

into its purse account not less than an amount equal to 4031  
three-fourths of one per cent of the amount wagered at racing 4032  
associations, tracks, and facilities located outside the state on 4033  
the races simulcast by the permit holder. 4034

All televised simulcasts of horse races conducted in this 4035  
state to racing associations, tracks, and facilities located 4036  
outside this state shall comply with the "Interstate Horse Racing 4037  
Act of 1978," 92 Stat. 1811, 15 U.S.C.A. 3001 to 3007. The consent 4038  
of the horsemen's organization at the track of the permit holder 4039  
applying to the commission to simulcast horse races conducted at 4040  
the permit holder's track to racing associations, tracks, and 4041  
facilities located outside this state ~~shall not be unreasonably~~ 4042  
~~withheld and~~ shall be consistent with the interest of preserving 4043  
live racing. ~~If a horsemen's organization withholds its consent,~~ 4044  
~~the permit holder may file an objection with the commission, which~~ 4045  
~~shall promptly consider the objection and determine whether the~~ 4046  
~~horsemen's organization's action in withholding consent is without~~ 4047  
~~substantial merit and, if the commission so determines, shall~~ 4048  
~~authorize the permit holder to simulcast the races. The~~ 4049  
~~determination of the commission is final.~~ 4050

(H)(1) The state racing commission may authorize any permit 4051  
holder that is authorized to conduct live horse racing on racing 4052  
days and that conducts pari-mutuel wagering on simulcasts of horse 4053  
races under this section that are conducted at race tracks either 4054  
inside or outside this state to conduct, supervise, and 4055  
participate in interstate and intrastate common pari-mutuel 4056  
wagering pools on those races in the manner provided in division 4057  
(H) of this section. Except as otherwise expressly provided in 4058  
division (H) of this section or in the rules of the state racing 4059  
commission, the provisions of this chapter that govern pari-mutuel 4060  
wagering apply to interstate or intrastate common pari-mutuel 4061  
wagering pools. 4062

(2) Subject to the approval of the state racing commission, 4063  
the types of wagering, calculation of the commission retained by 4064  
the permit holder, tax rates, distribution of winnings, and rules 4065  
of racing in effect for pari-mutuel wagering pools at the host 4066  
track may govern wagers placed at a receiving track in this state 4067  
and merged into an interstate or intrastate common pari-mutuel 4068  
wagering pool. Breakage from interstate or intrastate common 4069  
pari-mutuel wagering pools shall be calculated in accordance with 4070  
the rules that govern the host track and shall be distributed 4071  
among the tracks participating in the interstate or intrastate 4072  
common wagering pool in a manner agreed to by the participating 4073  
tracks and the host track. An interstate common pari-mutuel 4074  
wagering pool formed under division (H)(3) of this section is 4075  
subject to that division rather than to division (H)(2) of this 4076  
section. 4077

(3) Subject to the approval of the state racing commission, 4078  
an interstate common pari-mutuel wagering pool may be formed 4079  
between a permit holder and one or more receiving tracks located 4080  
in states other than the state in which the host track is located. 4081  
The commission may approve types of wagering, calculation of the 4082  
commission retained by the permit holder, tax rates, distribution 4083  
of winnings, rules of racing, and calculation of breakage for such 4084  
an interstate common pari-mutuel wagering pool that differ from 4085  
those that would otherwise be applied in this state under this 4086  
chapter but that are consistent for all tracks participating in 4087  
the interstate common pari-mutuel wagering pool formed under 4088  
division (H)(3) of this section. 4089

(4) As used in division (H) of this section: 4090

(a) "Host track" means a track where live horse races are 4091  
conducted and offered for simulcasting to receiving tracks. 4092

(b) "Receiving track" means a track where simulcasts of races 4093  
from a host track are displayed and wagered on. 4094

(I) Each permit holder is responsible for paying all costs 4095  
associated with the up-link for, and reception of, simulcasts, and 4096  
the conduct and operation of simulcast racing programs, for all 4097  
fees and costs associated with serving as a simulcast host or 4098  
simulcast guest, and for any required fees payable to the tracks, 4099  
racing associations, or state regulatory agencies where simulcast 4100  
racing is conducted at tracks located outside this state. 4101

(J) No license, fee, or excise tax, other than as specified 4102  
in division (E) of this section, shall be assessed upon or 4103  
collected from a permit holder or the owners of a permit holder in 4104  
connection with, or pertaining to, the operation and conduct of 4105  
simulcast racing programs in this state, by any county, township, 4106  
municipal corporation, district, or other body having the 4107  
authority to assess or collect a tax or fee. 4108

(K)(1) Permit holders operating tracks within the same county 4109  
or adjacent counties that are conducting simulcast racing programs 4110  
under this section may enter into agreements regarding the conduct 4111  
of simulcast racing programs at their respective tracks and the 4112  
sharing of the retained commissions therefrom, for such periods of 4113  
time, upon such terms and conditions, and subject to such rights 4114  
and obligations, as the contracting permit holders consider 4115  
appropriate under the circumstances. Permit holders ~~so contracting~~ 4116  
shall notify the state racing commission of their entry into an 4117  
agreement pursuant to this division, the names of the permit 4118  
holders that are parties to the agreement, and the length of ~~the~~ 4119  
~~term of time~~ the agreement shall be in effect. 4120

(2) Permit holders and the thoroughbred horsemens association 4121  
and Ohio harness horsemens association may agree to do any of the 4122  
following: 4123

(a) Increase or reduce the fees and amounts to be retained by 4124  
the permit holders under this section; 4125

(b) Increase or reduce the fees and amounts to be allocated 4126  
to the purse accounts ~~or~~ of permit holders under this section; 4127

(c) Increase or reduce the fees to be paid between and among 4128  
simulcast hosts and simulcast guests under this section and under 4129  
division (C) of section 3769.0810 of the Revised Code; 4130

(d) Modify, suspend, or waive the requirements set forth in 4131  
division (B) of this section as to any permit holder or as to all 4132  
permit holders. 4133

All permit holders and both horsemen's organizations shall 4134  
approve such agreement. Any agreement entered into under division 4135  
(K)(2) of this section shall set forth the effective date of any 4136  
such increase or reduction, and the terms and provisions of the 4137  
agreement, and a copy of the agreement shall be filed with the 4138  
state racing commission. 4139

**Sec. 3770.02.** (A) Subject to the advice and consent of the 4140  
senate, the governor shall appoint a director of the state lottery 4141  
commission who shall serve at the pleasure of the governor. The 4142  
director shall devote full time to the duties of the office and 4143  
shall hold no other office or employment. The director shall meet 4144  
all requirements for appointment as a member of the commission and 4145  
shall, by experience and training, possess management skills that 4146  
equip the director to administer an enterprise of the nature of a 4147  
state lottery. The director shall receive an annual salary in 4148  
accordance with pay range 48 of section 124.152 of the Revised 4149  
Code. 4150

(B)(1) The director shall attend all meetings of the 4151  
commission and shall act as its secretary. The director shall keep 4152  
a record of all commission proceedings and shall keep the 4153  
commission's records, files, and documents at the commission's 4154  
principal office. All records of the commission's meetings shall 4155  
be available for inspection by any member of the public, upon a 4156

showing of good cause and prior notification to the director. 4157

(2) The director shall be the commission's executive officer 4158  
and shall be responsible for keeping all commission records and 4159  
supervising and administering the state lottery in accordance with 4160  
this chapter, and carrying out all commission rules adopted under 4161  
section 3770.03 of the Revised Code. 4162

(C)(1) The director shall appoint an assistant director, 4163  
deputy directors of marketing, operations, sales, finance, public 4164  
relations, security, and administration, and as many regional 4165  
managers as are required. The director may also appoint necessary 4166  
professional, technical, and clerical assistants. All such 4167  
officers and employees shall be appointed and compensated pursuant 4168  
to Chapter 124. of the Revised Code. Regional and assistant 4169  
regional managers, sales representatives, and any lottery 4170  
executive account representatives shall remain in the unclassified 4171  
service. 4172

(2) The director, in consultation with the director of 4173  
administrative services, may establish standards of proficiency 4174  
and productivity for commission field representatives. 4175

(D) The director shall request the bureau of criminal 4176  
identification and investigation, the department of public safety, 4177  
or any other state, local, or federal agency to supply the 4178  
director with the criminal records of any job applicant and may 4179  
periodically request the criminal records of commission employees. 4180  
At or prior to the time of making such a request, the director 4181  
shall require a job applicant or commission employee to obtain 4182  
fingerprint cards prescribed by the superintendent of the bureau 4183  
of criminal identification and investigation at a qualified law 4184  
enforcement agency, and the director shall cause these fingerprint 4185  
cards to be forwarded to the bureau of criminal identification and 4186  
investigation and the federal bureau of investigation. The 4187  
commission shall assume the cost of obtaining the fingerprint 4188

cards and shall pay to each agency supplying criminal records for 4189  
each investigation under this division a reasonable fee, as 4190  
determined by the agency. 4191

(E) The director shall license lottery sales agents pursuant 4192  
to section 3770.05 of the Revised Code and, when it is considered 4193  
necessary, may revoke or suspend the license of any lottery sales 4194  
agent. The director may license video lottery technology 4195  
providers, independent testing laboratories, and gaming employees, 4196  
and promulgate rules relating thereto. When the director considers 4197  
it necessary, the director may suspend or revoke the license of a 4198  
video lottery technology provider, independent testing laboratory, 4199  
or gaming employee, including suspension or revocation without 4200  
affording an opportunity for a prior hearing under section 119.07 4201  
of the Revised Code when the public safety, convenience, or trust 4202  
requires immediate action. 4203

(F) The director shall confer at least once each month with 4204  
the commission, at which time the director shall advise it 4205  
regarding the operation and administration of the lottery. The 4206  
director shall make available at the request of the commission all 4207  
documents, files, and other records pertaining to the operation 4208  
and administration of the lottery. The director shall prepare and 4209  
make available to the commission each month a complete and 4210  
accurate accounting of lottery revenues, prize money disbursements 4211  
and the cost of goods and services awarded as prizes, operating 4212  
expenses, and all other relevant financial information, including 4213  
an accounting of all transfers made from any lottery funds in the 4214  
custody of the treasurer of state to benefit education. 4215

(G) The director may enter into contracts for the operation 4216  
or promotion of the lottery pursuant to Chapter 125. of the 4217  
Revised Code. 4218

(H)(1) Pursuant to rules adopted by the commission under 4219  
section 3770.03 of the Revised Code, the director shall require 4220



any lottery sales agents to either mail directly to the commission 4221  
or deposit to the credit of the state lottery fund, in banking 4222  
institutions designated by the treasurer of state, net proceeds 4223  
due the commission as determined by the director, and to file with 4224  
the director or the director's designee reports of their receipts 4225  
and transactions in the sale of lottery tickets in the form 4226  
required by the director. 4227

(2) Pursuant to rules adopted by the commission under Chapter 4228  
119. of the Revised Code, the director may impose penalties for 4229  
the failure of a sales agent to transfer funds to the commission 4230  
in a timely manner. Penalties may include monetary penalties, 4231  
immediate suspension or revocation of a license, or any other 4232  
penalty the commission adopts by rule. 4233

(I) The director may arrange for any person, or any banking 4234  
institution, to perform functions and services in connection with 4235  
the operation of the lottery as the director may consider 4236  
necessary to carry out this chapter. 4237

(J)(1) As used in this chapter, "statewide joint lottery 4238  
game" means a lottery game that the commission sells solely within 4239  
this state under an agreement with other lottery jurisdictions to 4240  
sell the same lottery game solely within their statewide or other 4241  
jurisdictional boundaries. 4242

(2) If the governor directs the director to do so, the 4243  
director shall enter into an agreement with other lottery 4244  
jurisdictions to conduct statewide joint lottery games. If the 4245  
governor signs the agreement personally or by means of an 4246  
authenticating officer pursuant to section 107.15 of the Revised 4247  
Code, the director then may conduct statewide joint lottery games 4248  
under the agreement. 4249

(3) The entire net proceeds from any statewide joint lottery 4250  
games shall be used to fund elementary, secondary, vocational, and 4251

special education programs in this state. 4252

(4) The commission shall conduct any statewide joint lottery 4253  
games in accordance with rules it adopts under division (B)(5) of 4254  
section 3770.03 of the Revised Code. 4255

(K)(1) The director shall enter into an agreement with the 4256  
department of alcohol and drug addiction services under which the 4257  
department shall provide a program of gambling addiction services 4258  
on behalf of the commission. The commission shall pay the costs of 4259  
the program provided pursuant to the agreement. 4260

(2) As used in this section, "gambling addiction services" 4261  
has the same meaning as in section 3793.01 of the Revised Code. 4262

**Sec. 3770.03.** (A) The state lottery commission shall 4263  
promulgate rules under which a statewide lottery may be conducted, 4264  
which includes, and since the original enactment of this section 4265  
has included, the authority for the commission to operate video 4266  
lottery terminal games. Any reference in this chapter to tickets 4267  
shall not be construed to in any way limit the authority of the 4268  
commission to operate video lottery terminal games. Nothing in 4269  
this chapter shall restrict the authority of the commission to 4270  
promulgate rules related to the operation of games utilizing video 4271  
lottery terminals as described in section 3770.21 of the Revised 4272  
Code. The rules shall be promulgated pursuant to Chapter 119. of 4273  
the Revised Code, except that ~~instant~~ game rules shall be 4274  
promulgated pursuant to section 111.15 of the Revised Code but are 4275  
not subject to division (D) of that section. Video lottery 4276  
terminal games shall be approved by resolution of the commission. 4277  
Subjects covered in these rules shall include, but need not be 4278  
limited to, the following: 4279

(1) The type of lottery to be conducted; 4280

(2) The prices of tickets in the lottery; 4281

(3) The number, nature, and value of prize awards, the manner and frequency of prize drawings, and the manner in which prizes shall be awarded to holders of winning tickets.

(B) The commission shall promulgate rules, in addition to those described in division (A) of this section, pursuant to Chapter 119. of the Revised Code under which a statewide lottery and statewide joint lottery games may be conducted. Subjects covered in these rules shall include, but not be limited to, the following:

(1) The locations at which lottery tickets may be sold and the manner in which they are to be sold. These rules may authorize the sale of lottery tickets by commission personnel or other licensed individuals from traveling show wagons at the state fair, and at any other expositions the director of the commission considers acceptable. These rules shall prohibit commission personnel or other licensed individuals from soliciting from an exposition the right to sell lottery tickets at that exposition, but shall allow commission personnel or other licensed individuals to sell lottery tickets at an exposition if the exposition requests commission personnel or licensed individuals to do so. These rules may also address the accessibility of sales agent locations to commission products in accordance with the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101 et seq.

(2) The manner in which lottery sales revenues are to be collected, including authorization for the director to impose penalties for failure by lottery sales agents to transfer revenues to the commission in a timely manner;

(3) The amount of compensation to be paid licensed lottery sales agents;

(4) The substantive criteria for the licensing of lottery

sales agents consistent with section 3770.05 of the Revised Code, 4313  
and procedures for revoking or suspending their licenses 4314  
consistent with Chapter 119. of the Revised Code. If 4315  
circumstances, such as the nonpayment of funds owed by a lottery 4316  
sales agent, or other circumstances related to the public safety, 4317  
convenience, or trust, require immediate action, the director may 4318  
suspend a license without affording an opportunity for a prior 4319  
hearing under section 119.07 of the Revised Code. 4320

(5) Special game rules to implement any agreements signed by 4321  
the governor that the director enters into with other lottery 4322  
jurisdictions under division (J) of section 3770.02 of the Revised 4323  
Code to conduct statewide joint lottery games. The rules shall 4324  
require that the entire net proceeds of those games that remain, 4325  
after associated operating expenses, prize disbursements, lottery 4326  
sales agent bonuses, commissions, and reimbursements, and any 4327  
other expenses necessary to comply with the agreements or the 4328  
rules are deducted from the gross proceeds of those games, be 4329  
transferred to the lottery profits education fund under division 4330  
(B) of section 3770.06 of the Revised Code. 4331

(6) Any other subjects the commission determines are 4332  
necessary for the operation of video lottery terminal games, 4333  
including the establishment of any fees, fines, or payment 4334  
schedules. 4335

(C) Chapter 2915. of the Revised Code does not apply to, 4336  
affect, or prohibit lotteries conducted pursuant to this chapter. 4337

(D) The commission may promulgate rules, in addition to those 4338  
described in divisions (A) and (B) of this section, that establish 4339  
standards governing the display of advertising and celebrity 4340  
images on lottery tickets and on other items that are used in the 4341  
conduct of, or to promote, the statewide lottery and statewide 4342  
joint lottery games. Any revenue derived from the sale of 4343  
advertising displayed on lottery tickets and on those other items 4344

shall be considered, for purposes of section 3770.06 of the Revised Code, to be related proceeds in connection with the statewide lottery or gross proceeds from statewide joint lottery games, as applicable.

(E)(1) The commission shall meet with the director at least once each month and shall convene other meetings at the request of the chairperson or any five of the members. No action taken by the commission shall be binding unless at least five of the members present vote in favor of the action. A written record shall be made of the proceedings of each meeting and shall be transmitted forthwith to the governor, the president of the senate, the senate minority leader, the speaker of the house of representatives, and the house minority leader.

(2) The director shall present to the commission a report each month, showing the total revenues, prize disbursements, and operating expenses of the state lottery for the preceding month. As soon as practicable after the end of each fiscal year, the commission shall prepare and transmit to the governor and the general assembly a report of lottery revenues, prize disbursements, and operating expenses for the preceding fiscal year and any recommendations for legislation considered necessary by the commission.

**Sec. 3770.05.** (A) As used in this section, "person" means any person, association, corporation, partnership, club, trust, estate, society, receiver, trustee, person acting in a fiduciary or representative capacity, instrumentality of the state or any of its political subdivisions, or any other combination of individuals meeting the requirements set forth in this section or established by rule or order of the state lottery commission.

(B) The director of the state lottery commission may license any person as a lottery sales agent. No license shall be issued to

any person or group of persons to engage in the sale of lottery tickets as the person's or group's sole occupation or business. 4376  
4377

Before issuing any license to a lottery sales agent, the director shall consider all of the following: 4378  
4379

(1) The financial responsibility and security of the applicant and the applicant's business or activity; 4380  
4381

(2) The accessibility of the applicant's place of business or activity to the public; 4382  
4383

(3) The sufficiency of existing licensed agents to serve the public interest; 4384  
4385

(4) The volume of expected sales by the applicant; 4386

(5) Any other factors pertaining to the public interest, convenience, or trust. 4387  
4388

(C) Except as otherwise provided in division (F) of this section, the director of the state lottery commission shall refuse to grant, or shall suspend or revoke, a license if the applicant or licensee: 4389  
4390  
4391  
4392

(1) Has been convicted of a felony or has been convicted of a crime involving moral turpitude; 4393  
4394

(2) Has been convicted of an offense that involves illegal gambling; 4395  
4396

(3) Has been found guilty of fraud or misrepresentation in any connection; 4397  
4398

(4) Has been found to have violated any rule or order of the commission; or 4399  
4400

(5) Has been convicted of illegal trafficking in supplemental nutrition assistance program benefits. 4401  
4402

(D) Except as otherwise provided in division (F) of this section, the director of the state lottery commission shall refuse 4403  
4404

to grant, or shall suspend or revoke, a license if the applicant 4405  
or licensee is a corporation and any of the following applies: 4406

(1) Any of the corporation's directors, officers, or 4407  
controlling shareholders has been found guilty of any of the 4408  
activities specified in divisions (C)(1) to (5) of this section; 4409

(2) It appears to the director of the state lottery 4410  
commission that, due to the experience, character, or general 4411  
fitness of any director, officer, or controlling shareholder of 4412  
the corporation, the granting of a license as a lottery sales 4413  
agent would be inconsistent with the public interest, convenience, 4414  
or trust; 4415

(3) The corporation is not the owner or lessee of the 4416  
business at which it would conduct a lottery sales agency pursuant 4417  
to the license applied for; 4418

(4) Any person, firm, association, or corporation other than 4419  
the applicant or licensee shares or will share in the profits of 4420  
the applicant or licensee, other than receiving dividends or 4421  
distributions as a shareholder, or participates or will 4422  
participate in the management of the affairs of the applicant or 4423  
licensee. 4424

(E)(1) The director of the state lottery commission shall 4425  
refuse to grant a license to an applicant for a lottery sales 4426  
agent license and shall revoke a lottery sales agent license if 4427  
the applicant or licensee is or has been convicted of a violation 4428  
of division (A) or (C)(1) of section 2913.46 of the Revised Code. 4429

(2) The director shall refuse to grant a license to an 4430  
applicant for a lottery sales agent license that is a corporation 4431  
and shall revoke the lottery sales agent license of a corporation 4432  
if the corporation is or has been convicted of a violation of 4433  
division (A) or (C)(1) of section 2913.46 of the Revised Code. 4434

(F) The director of the state lottery commission shall 4435

request the bureau of criminal identification and investigation, 4436  
the department of public safety, or any other state, local, or 4437  
federal agency to supply the director with the criminal records of 4438  
any applicant for a lottery sales agent license, and may 4439  
periodically request the criminal records of any person to whom a 4440  
lottery sales agent license has been issued. At or prior to the 4441  
time of making such a request, the director shall require an 4442  
applicant or licensee to obtain fingerprint impressions on 4443  
fingerprint cards prescribed by the superintendent of the bureau 4444  
of criminal identification and investigation at a qualified law 4445  
enforcement agency, and the director shall cause those fingerprint 4446  
cards to be forwarded to the bureau of criminal identification and 4447  
investigation, to the federal bureau of investigation, or to both 4448  
bureaus. The commission shall assume the cost of obtaining the 4449  
fingerprint cards. 4450

The director shall pay to each agency supplying criminal 4451  
records for each investigation a reasonable fee, as determined by 4452  
the agency. 4453

The commission may adopt uniform rules specifying time 4454  
periods after which the persons described in divisions (C)(1) to 4455  
(5) and (D)(1) to (4) of this section may be issued a license and 4456  
establishing requirements for those persons to seek a court order 4457  
to have records sealed in accordance with law. 4458

(G)(1) Each applicant for a lottery sales agent license shall 4459  
do both of the following: 4460

(a) Pay fees to the state lottery commission, if required by 4461  
rule adopted by the director under Chapter 119. of the Revised 4462  
Code ~~and the controlling board approves the fees;~~ 4463

(b) Prior to approval of the application, obtain a surety 4464  
bond in an amount the director determines by rule adopted under 4465  
Chapter 119. of the Revised Code or, alternatively, with the 4466



director's approval, deposit the same amount into a dedicated 4467  
account for the benefit of the state lottery. The director also 4468  
may approve the obtaining of a surety bond to cover part of the 4469  
amount required, together with a dedicated account deposit to 4470  
cover the remainder of the amount required. The director also may 4471  
establish an alternative program or policy, with the approval of 4472  
the commission by rule adopted under Chapter 119. of the Revised 4473  
Code, that otherwise ensures the lottery's financial interests are 4474  
adequately protected. If such an alternative program or policy is 4475  
established, an applicant or lottery sales agent, subject to the 4476  
director's approval, may be permitted to participate in the 4477  
program or proceed under that policy in lieu of providing a surety 4478  
bond or dedicated amount. 4479

A surety bond may be with any company that complies with the 4480  
bonding and surety laws of this state and the requirements 4481  
established by rules of the commission pursuant to this chapter. A 4482  
dedicated account deposit shall be conducted in accordance with 4483  
policies and procedures the director establishes. 4484

A surety bond, dedicated account, other established program 4485  
or policy, or both any combination of these resources, as 4486  
applicable, may be used to pay for the lottery sales agent's 4487  
failure to make prompt and accurate payments for lottery ticket 4488  
sales, for missing or stolen lottery tickets, for damage to 4489  
equipment or materials issued to the lottery sales agent, or to 4490  
pay for expenses the commission incurs in connection with the 4491  
lottery sales agent's license. 4492

(2) A lottery sales agent license is effective for at least 4493  
one year, but not more than three years. 4494

A licensed lottery sales agent, on or before the date 4495  
established by the director, shall renew the agent's license and 4496  
provide at that time evidence to the director that the surety 4497  
bond, dedicated account deposit, or both, required under division 4498

(G)(1)(b) of this section has been renewed or is active, whichever applies. 4499  
4500

Before the commission renews a lottery sales agent license, 4501  
the lottery sales agent shall submit a renewal fee to the 4502  
commission, if one is required by rule adopted by the director 4503  
under Chapter 119. of the Revised Code ~~and the controlling board~~ 4504  
~~approves the renewal fee.~~ The renewal fee shall not exceed the 4505  
actual cost of administering the license renewal and processing 4506  
changes reflected in the renewal application. The renewal of the 4507  
license is effective for ~~up to~~ at least one year, but not more 4508  
than three years. 4509

(3) A lottery sales agent license shall be complete, 4510  
accurate, and current at all times during the term of the license. 4511  
Any changes to an original license application or a renewal 4512  
application may subject the applicant or lottery sales agent, as 4513  
applicable, to paying an administrative fee that shall be in an 4514  
amount that the director determines by rule adopted under Chapter 4515  
119. of the Revised Code, ~~that the controlling board approves,~~ 4516  
and that shall not exceed the actual cost of administering and 4517  
processing the changes to an application. 4518

(4) The relationship between the commission and a lottery 4519  
sales agent is one of trust. A lottery sales agent collects funds 4520  
on behalf of the commission through the sale of lottery tickets 4521  
for which the agent receives a compensation. 4522

(H) Pending a final resolution of any question arising under 4523  
this section, the director of the state lottery commission may 4524  
issue a temporary lottery sales agent license, subject to the 4525  
terms and conditions the director considers appropriate. 4526

(I) If a lottery sales agent's rental payments for the 4527  
lottery sales agent's premises are determined, in whole or in 4528  
part, by the amount of retail sales the lottery sales agent makes, 4529

and if the rental agreement does not expressly provide that the 4530  
amount of those retail sales includes the amounts the lottery 4531  
sales agent receives from lottery ticket sales, only the amounts 4532  
the lottery sales agent receives as compensation from the state 4533  
lottery commission for selling lottery tickets shall be considered 4534  
to be amounts the lottery sales agent receives from the retail 4535  
sales the lottery sales agent makes, for the purpose of computing 4536  
the lottery sales agent's rental payments. 4537

**Sec. 3770.07.** (A)(1) Except as provided in division (A)(2) of 4538  
this section, lottery prize awards shall be claimed by the holder 4539  
of the winning lottery ~~ticket~~ product, or by the executor or 4540  
administrator, or the trustee of a trust, of the estate of a 4541  
deceased holder of a winning lottery ~~ticket~~ product, in a manner 4542  
to be determined by the state lottery commission, within one 4543  
hundred eighty days after the date on which the prize award was 4544  
announced if the lottery game is an online game, and within one 4545  
hundred eighty days after the close of the game if the lottery 4546  
game is an instant game. 4547

~~No~~ Any lottery prize award with a value that meets or exceeds 4548  
~~five hundred ninety nine dollars~~ the reportable winnings amounts 4549  
set by 26 U.S.C. 6041, or a subsequent analogous section of the 4550  
Internal Revenue Code, shall not be claimed by or paid to any 4551  
person, as defined in section 1.59 of the Revised Code or as 4552  
defined by rule or order of the state lottery commission, until 4553  
the name, address, and social security number of each beneficial 4554  
owner of the prize award are ~~disclosed to~~ documented for the 4555  
commission. Except when a beneficial owner otherwise consents in 4556  
writing, in the case of a claim for a lottery prize award made by 4557  
one or more beneficial owners using a trust, the name, address, 4558  
and social security number of each such beneficial owner in the 4559  
commission's records as a result of such a disclosure are 4560  
confidential and shall not be subject to inspection or copying 4561

under section 149.43 of the Revised Code as a public record. 4562

Except as otherwise provided in division (A)(1) of this 4563  
section or as otherwise provided by law, the name and address of 4564  
any individual claiming a lottery prize award are subject to 4565  
inspection or copying under section 149.43 of the Revised Code as 4566  
a public record. 4567

(2) An eligible person serving on active military duty in any 4568  
branch of the United States armed forces during a war or national 4569  
emergency declared in accordance with federal law may submit a 4570  
delayed claim for a lottery prize award. The eligible person shall 4571  
do so by notifying the state lottery commission about the claim 4572  
not later than the five hundred fortieth day after the date on 4573  
which the prize award was announced if the lottery game is an 4574  
online game or after the date on which the lottery game closed if 4575  
the lottery game is an instant game. 4576

(3) If no valid claim to a lottery prize award is made within 4577  
the prescribed period, the prize money, the cost of goods and 4578  
services awarded as prizes, or, if goods or services awarded as 4579  
prizes are resold by the state lottery commission, the proceeds 4580  
from their sale shall be returned to the state lottery fund and 4581  
distributed in accordance with section 3770.06 of the Revised 4582  
Code. 4583

(4) The state lottery commission may share with other 4584  
governmental agencies the name, address, and social security 4585  
number of a beneficial owner disclosed to the commission under 4586  
division (A)(1) of this section, as authorized under sections 4587  
3770.071 and 3770.073 of the Revised Code. Any shared information 4588  
as disclosed pursuant to those sections that is made confidential 4589  
by division (A)(1) of this section remains confidential and shall 4590  
not be subject to inspection or copying under section 149.43 of 4591  
the Revised Code as a public record unless the applicable 4592  
beneficial owner otherwise provides written consent. 4593

(5) As used in this division: 4594

(a) "Eligible person" means a person who is entitled to a 4595  
lottery prize award and who falls into either of the following 4596  
categories: 4597

(i) While on active military duty in this state, the person, 4598  
as the result of a war or national emergency declared in 4599  
accordance with federal law, is transferred out of this state 4600  
before the one hundred eightieth day after the date on which the 4601  
winner of the lottery prize award is selected. 4602

(ii) While serving in the reserve forces in this state, the 4603  
person, as the result of a war or national emergency declared in 4604  
accordance with federal law, is placed on active military duty and 4605  
is transferred out of this state before the expiration of the one 4606  
hundred eightieth day after the date on which the prize drawing 4607  
occurs for an online game or before the expiration of the one 4608  
hundred eightieth day following the close of an instant game as 4609  
determined by the commission. 4610

(b) "Active military duty" means that a person is covered by 4611  
the "Servicemembers Civil Relief Act," 117 Stat. 2835 (2003), 50 4612  
U.S.C. 501 et seq., as amended, or the "Uniformed Services 4613  
Employment and Reemployment Rights Act of 1994," 108 Stat. 3149, 4614  
38 U.S.C. 4301 et seq., as amended. 4615

(c) "Each beneficial owner" means the ultimate recipient or, 4616  
if there is more than one, each ultimate recipient of a lottery 4617  
prize award. 4618

(B) If a prize winner, as defined in section 3770.10 of the 4619  
Revised Code, is under eighteen years of age, or is under some 4620  
other legal disability, and the prize money or the cost of goods 4621  
or services awarded as a prize exceeds one thousand dollars, the 4622  
director of the state lottery commission shall order that payment 4623  
be made to the order of the legal guardian of that prize winner. 4624

If the amount of the prize money or the cost of goods or services 4625  
awarded as a prize is one thousand dollars or less, the director 4626  
may order that payment be made to the order of the adult member, 4627  
if any, of that prize winner's family legally responsible for the 4628  
care of that prize winner. 4629

(C) No right of any prize winner, as defined in section 4630  
3770.10 of the Revised Code, to a prize award shall be the subject 4631  
of a security interest or used as collateral. 4632

(D)(1) No right of any prize winner, as defined in section 4633  
3770.10 of the Revised Code, to a prize award shall be assignable 4634  
except as follows: when the payment is to be made to the executor 4635  
or administrator, or the trustee of a trust, of the estate of a 4636  
~~winning ticket holder~~ prize winner; when the award of a prize is 4637  
disputed, any person may be awarded a prize award to which another 4638  
has claimed title, pursuant to the order of a court of competent 4639  
jurisdiction; when a person is awarded a prize award to which 4640  
another has claimed title, pursuant to the order of a federal 4641  
bankruptcy court under Title 11 of the United States Code; or as 4642  
provided in sections 3770.10 to 3770.14 of the Revised Code. 4643

(2)(a) No right of any prize winner, as defined in section 4644  
3770.10 of the Revised Code, to a prize award with a remaining 4645  
unpaid balance of less than one hundred thousand dollars shall be 4646  
subject to garnishment, attachment, execution, withholding, or 4647  
deduction except as provided in sections 3119.80, 3119.81, 4648  
3121.02, 3121.03, and 3123.06 of the Revised Code or when the 4649  
director is to make a payment pursuant to section 3770.071 or 4650  
3770.073 of the Revised Code. 4651

(b) No right of any prize winner, as defined in section 4652  
3770.10 of the Revised Code, to a prize award with an unpaid 4653  
balance of one hundred thousand dollars or more shall be subject 4654  
to garnishment, attachment, execution, withholding, or deduction 4655  
except as follows: as provided in sections 3119.80, 3119.81, 4656

3121.02, 3121.03, and 3123.06 of the Revised Code; when the 4657  
director is to make a payment pursuant to section 3770.071 or 4658  
3770.073 of the Revised Code; or pursuant to the order of a court 4659  
of competent jurisdiction located in this state in a proceeding in 4660  
which the state lottery commission is a named party, in which case 4661  
the garnishment, attachment, execution, withholding, or deduction 4662  
pursuant to the order shall be subordinate to any payments to be 4663  
made pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, 4664  
3123.06, 3770.071, or 3770.073 of the Revised Code. 4665

(3) The state lottery commission may adopt and amend rules 4666  
pursuant to Chapter 119. of the Revised Code as necessary to 4667  
implement division (D) of this section, to provide for payments 4668  
from prize awards subject to garnishment, attachment, execution, 4669  
withholding, or deduction, and to comply with any applicable 4670  
requirements of federal law. 4671

(4) Upon making payments from a prize award as required by 4672  
division (D) of this section, the director and the state lottery 4673  
commission are discharged from all further liability for those 4674  
payments, whether they are made to an executor, administrator, 4675  
trustee, judgment creditor, or another person, or to the prize 4676  
winner, as defined in section 3770.10 of the Revised Code. 4677

(5) The state lottery commission shall adopt rules pursuant 4678  
to section 3770.03 of the Revised Code concerning the payment of 4679  
prize awards upon the death of a prize winner, as defined in 4680  
section 3770.10 of the Revised Code. Upon the death of a prize 4681  
winner, the remainder of the prize winner's prize award, to the 4682  
extent it is not subject to a transfer agreement under sections 4683  
3770.10 to 3770.14 of the Revised Code, may be paid to the 4684  
executor, administrator, or trustee in the form of a discounted 4685  
lump sum cash settlement. 4686

(E) No lottery prize award shall be awarded to or for any 4687  
officer or employee of the state lottery commission, any officer 4688

or employee of the auditor of state actively auditing, 4689  
coordinating and, or certifying commission drawings, or any blood 4690  
relative or spouse of such an officer or employee of the 4691  
commission or auditor of state living as a member of the officer's 4692  
or employee's household, nor shall any such officer, employee, 4693  
blood relative, or spouse attempt to claim a lottery prize award. 4694

(F) The director may prohibit vendors to the state lottery 4695  
commission and their employees from being awarded a lottery prize 4696  
award. 4697

(G) Upon the payment of prize awards pursuant to a provision 4698  
of this section, other than a provision of division (D) of this 4699  
section, the director and the state lottery commission are 4700  
discharged from all further liability for their payment. 4701  
Installment payments of lottery prize awards shall be paid by 4702  
official check or warrant, and they shall be sent by mail delivery 4703  
to the prize winner's address within the United States or by 4704  
electronic funds transfer to an established bank account located 4705  
within the United States, or the prize winner may pick them up at 4706  
an office of the commission. 4707

**Sec. 3770.071.** (A)(1) If the amount of the prize money or the 4708  
cost of goods or services awarded as a lottery prize award ~~is six~~ 4709  
~~hundred dollars or more~~ meets or exceeds the reportable winnings 4710  
amounts set by 26 U.S.C. 6041, or a subsequent analogous section 4711  
of the Internal Revenue Code, the director of the state lottery 4712  
commission or the director's designee shall require the person 4713  
entitled to the prize award to affirm in writing, under oath, or 4714  
by electronic means, whether or not the person is in default under 4715  
a support order. The director or the director's designee also may 4716  
take any additional appropriate steps to determine if the person 4717  
entitled to the prize award is in default under a support order. 4718  
If the person entitled to the prize award affirms that the person 4719



is in default under a support order, or if the director or the 4720  
director's designee determines that the person is in default under 4721  
a support order, the director or the director's designee shall 4722  
temporarily withhold payment of the prize award and notify the 4723  
child support enforcement agency that administers the support 4724  
order that the person is entitled to a prize award, of the amount 4725  
of the prize award, and, if the prize award is to be paid in 4726  
annual installments, of the number of installments. 4727

(2) Upon receipt of the notice from the director or the 4729  
director's designee, the child support enforcement agency shall 4730  
conduct an investigation to determine whether the person entitled 4731  
to the lottery prize award is subject to a final and enforceable 4732  
determination of default made under sections 3123.01 to 3123.07 of 4733  
the Revised Code. If the agency determines that the person is so 4734  
subject, it shall issue an intercept directive as described in 4735  
section 3123.89 of the Revised Code to the director at lottery 4736  
commission headquarters requiring the director or the director's 4737  
designee to deduct from any unpaid prize award or any annual 4738  
installment payment of an unpaid prize award, a specified amount 4739  
for support in satisfaction of the support order under which the 4740  
person is in default. To the extent possible, the amount specified 4741  
to be deducted under the intercept directive shall satisfy the 4742  
amount ordered for support in the support order under which the 4743  
person is in default. 4744

A child support enforcement agency shall issue an intercept 4745  
directive within thirty days from the date the director or the 4746  
director's designee notifies the agency under division (A)(1) of 4747  
this section. Within thirty days after the date on which the 4748  
agency issues the intercept directive, the director or the 4749  
director's designee shall pay the amount specified in the 4750  
intercept directive to the office of child support in the 4751

department of job and family services. But, if the prize award is 4752  
to be paid in annual installments, the director or the director's 4753  
designee, on the date the next installment payment is due, shall 4754  
deduct the amount specified in the intercept directive from that 4755  
installment and, if necessary, any subsequent annual installments, 4756  
at the time those installments become due and owing to the prize 4757  
winner, and pay the amount to the office of child support. 4758

(B) As used in this section: 4759

(1) "Support order" has the same meaning as in section 4760  
3119.01 of the Revised Code. 4761

(2) "Default" has the same meaning as in section 3121.01 of 4762  
the Revised Code. 4763

(C) No person shall knowingly make a false affirmation or 4764  
oath required by division (A) of this section. 4765

**Sec. 3770.21.** (A) As used in this section: 4766

(1) "Video lottery terminal" means any electronic device 4767  
approved by the state lottery commission that provides immediate 4768  
prize determinations for participants on an electronic display. 4769

(2) "Video lottery terminal promotional gaming credit" means 4770  
a video lottery terminal game credit, discount, or other similar 4771  
item issued to a patron to enable the placement of, or increase 4772  
in, a wager at a video lottery terminal. 4773

(3) "Video lottery terminal income" means credits played 4774  
minus video lottery terminal promotional gaming credits and the 4775  
value of video lottery terminal promotional gaming credits awarded 4776  
that can be redeemed for cash or other designated prizes as a 4777  
result of a video lottery winning game outcome. 4778

(B) The state lottery commission shall include, in 4779  
conjunction with the state racing commission, in any rules adopted 4780  
concerning video lottery terminals, the level of minimum 4781

investments that must be made by video lottery terminal licensees 4782  
in the buildings, fixtures, equipment, facilities-related 4783  
preparation, and grounds at the facilities, including temporary 4784  
facilities, in which the terminals will be located, along with any 4785  
standards and timetables for such investments. 4786

(C) Racetrack operators and management companies that are a 4787  
licensed lottery sales agent may provide video lottery terminal 4788  
promotional gaming credits to patrons for video lottery terminal 4789  
gaming. Video lottery terminal promotional gaming credits shall be 4790  
subject to oversight by the commission. The commission shall adopt 4791  
rules for video lottery terminal promotional gaming credits. The 4792  
rules shall exclude video lottery terminal promotional gaming 4793  
credits in the calculation of video lottery terminal income or any 4794  
payments or amounts due to the state or to the state lottery 4795  
commission. 4796

(D) No license or excise tax or fee not in effect on the 4797  
effective date of this section shall be assessed upon or collected 4798  
from a video lottery terminal licensee by any county, township, 4799  
municipal corporation, school district, or other political 4800  
subdivision of the state that has authority to assess or collect a 4801  
tax or fee by reason of the video lottery terminal related conduct 4802  
authorized by section 3770.03 of the Revised Code. This division 4803  
does not prohibit the imposition of taxes under Chapter 718. or 4804  
3769. of the Revised Code. 4805

~~(D) The supreme court shall have exclusive, original~~ 4806  
~~jurisdiction over any claim~~ (E) Any action asserting that this 4807  
section or section 3770.03 of the Revised Code or any portion of 4808  
those sections or any rule adopted under those sections violates 4809  
any provision of the Ohio Constitution, any claim asserting that 4810  
any action taken by the governor or the lottery commission 4811  
pursuant to those sections violates any provision of the Ohio 4812  
Constitution or any provision of the Revised Code, or any claim 4813

asserting that any portion of this section violates any provision 4814  
of the Ohio Constitution. ~~If any claim over which the supreme 4815  
court is granted exclusive, original jurisdiction by this division 4816  
is filed in any lower court, the claim shall be dismissed by the 4817  
court on the ground that the court lacks jurisdiction to review it 4818  
shall be brought in the court of common pleas of Franklin county. 4819~~

~~(E)~~(F) Should any portion of this section or of section 4820  
3770.03 of the Revised Code be found to be unenforceable or 4821  
invalid, it shall be severed and the remaining portions remain in 4822  
full force and effect. 4823

Sec. 3770.22. (A) Any information concerning the following 4824  
that is submitted, collected, or gathered as part of an 4825  
application to the state lottery commission for a video lottery 4826  
related license under this chapter is confidential and not subject 4827  
to disclosure by a state agency or political subdivision as a 4828  
public record under section 149.43 of the Revised Code: 4829

(1) A dependent of an applicant; 4830

(2) The social security number, passport number, or federal 4831  
tax identification number of an applicant or the spouse of an 4832  
applicant; 4833

(3) The home address and telephone number of an applicant or 4834  
the spouse or dependent of an applicant; 4835

(4) An applicant's birth certificate; 4836

(5) The driver's license number of an applicant or the 4837  
applicant's spouse; 4838

(6) The name or address of a previous spouse of the 4839  
applicant; 4840

(7) The date of birth of the applicant and the spouse of an 4841  
applicant; 4842

<u>(8) The place of birth of the applicant and the spouse of an applicant;</u>	4843
	4844
<u>(9) The personal financial information and records of an applicant or of an employee or the spouse or dependent of an applicant, including tax returns and information, and records of criminal proceedings;</u>	4845
	4846
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<u>(10) Any information concerning a victim of domestic violence, sexual assault, or stalking;</u>	4849
	4850
<u>(11) The electronic mail address of the spouse or family member of the applicant;</u>	4851
	4852
<u>(12) Any trade secret, medical records, and patents or exclusive licenses;</u>	4853
	4854
<u>(13) Security information, including risk prevention plans, detection and countermeasures, location of count rooms or other money storage areas, emergency management plans, security and surveillance plans, equipment and usage protocols, and theft and fraud prevention plans and countermeasures.</u>	4855
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<u>(B) The individual's name, the individual's place of employment, the individual's job title, and the individual's gaming experience that is provided for an individual who holds, held, or has applied for a video lottery related license under this chapter is not confidential. The reason for denial or revocation of a video lottery related license or for disciplinary action against the individual is not confidential.</u>	4860
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<u>(C) An individual who holds, held, or has applied for a video lottery related license under this chapter may waive the confidentiality requirements of division (A) of this section.</u>	4867
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<u>(D) Confidential information received by the commission from another jurisdiction relating to a person who holds, held, or has applied for a license under this chapter is confidential and not</u>	4870
	4871
	4872

subject to disclosure as a public record under section 149.43 of 4873  
the Revised Code. The commission may share the information 4874  
referenced in this division with, or disclose the information to, 4875  
the inspector general, any appropriate prosecuting authority, any 4876  
law enforcement agency, or any other appropriate governmental or 4877  
licensing agency, if the agency that receives the information 4878  
complies with the same requirements regarding confidentiality as 4879  
those with which the commission must comply. 4880

**Sec. 3772.01.** As used in this chapter: 4881

(A) "Applicant" means any person who applies to the 4882  
commission for a license under this chapter. 4883

(B) "Casino control commission fund" means the casino control 4884  
commission fund described in Section 6(C)(3)(d) of Article XV, 4885  
Ohio Constitution, the money in which shall be used to fund the 4886  
commission and its related affairs. 4887

(C) "Casino facility" means a casino facility as defined in 4888  
Section 6(C)(9) of Article XV, Ohio Constitution. 4889

(D) "Casino game" means any slot machine or table game as 4890  
defined in this chapter. 4891

(E) "Casino gaming" means any type of slot machine or table 4892  
game wagering, using money, casino credit, or any representative 4893  
of value, authorized in any of the states of Indiana, Michigan, 4894  
Pennsylvania, and West Virginia as of January 1, 2009, and 4895  
includes slot machine and table game wagering subsequently 4896  
authorized by, but shall not be limited by, subsequent 4897  
restrictions placed on such wagering in such states. "Casino 4898  
gaming" does not include bingo, as authorized in Section 6 of 4899  
Article XV, Ohio Constitution and conducted as of January 1, 2009, 4900  
or horse racing where the pari-mutuel system of wagering is 4901  
conducted, as authorized under the laws of this state as of 4902

January 1, 2009. 4903

~~(E)~~(F) "Casino gaming employee" means any employee of a 4904  
casino operator or management company, but not a key employee, and 4905  
as further defined in section 3772.131 of the Revised Code. 4906

~~(F)~~(G) "Casino operator" means any person, trust, 4907  
corporation, partnership, limited partnership, association, 4908  
limited liability company, or other business enterprise that 4909  
directly or indirectly holds an ownership or leasehold interest in 4910  
a casino facility. "Casino operator" does not include an agency of 4911  
the state, any political subdivision of the state, any person, 4912  
trust, corporation, partnership, limited partnership, association, 4913  
limited liability company, or other business enterprise that may 4914  
have an interest in a casino facility, but who is legally or 4915  
contractually restricted from conducting casino gaming. 4916

~~(G)~~(H) "Central system" means a computer system that provides 4917  
the following functions related to casino gaming equipment used in 4918  
connection with casino gaming authorized under this chapter: 4919  
security, auditing, data and information retrieval, and other 4920  
purposes deemed necessary and authorized by the commission. 4921

~~(H)~~(I) "Cheat means to alter the result of a casino game, 4922  
the element of chance, the operation of a machine used in a casino 4923  
game, or the method of selection of criteria that determines (a) 4924  
the result of the casino game, (b) the amount or frequency of 4925  
payment in a casino game, (c) the value of a wagering instrument, 4926  
or (d) the value of a wagering credit. 4927

(J) "Commission" means the Ohio casino control commission. 4928

~~(I)~~(K) "Gaming agent" means a peace officer employed by the 4929  
commission that is vested with duties to enforce this chapter and 4930  
conduct other investigations into the conduct of the casino gaming 4931  
and the maintenance of the equipment that the commission considers 4932  
necessary and proper and is in compliance with section 109.77 of 4933

the Revised Code. 4934

~~(J)~~(L) "Gaming-related vendor" means any individual, 4935  
partnership, corporation, association, trust, or any other group 4936  
of individuals, however organized, who supplies gaming-related 4937  
equipment, goods, or services to a casino operator or management 4938  
company, that are directly related to or affect casino gaming 4939  
authorized under this chapter, including, but not limited to, the 4940  
manufacture, sale, distribution, or repair of slot machines and 4941  
table game equipment. 4942

~~(K)~~(M) "Holding company" means any corporation, firm, 4943  
partnership, limited partnership, limited liability company, 4944  
trust, or other form of business organization not a natural person 4945  
which directly or indirectly ~~owns, has~~ does any of the following: 4946

(1) Has the power or right to control, or holds with power to 4947  
vote, any part of an applicant, a casino operator, management 4948  
company, or gaming-related vendor license applicant or licensee; 4949

(2) Holds an ownership interest of five per cent or more, as 4950  
determined by the commission, in a casino operator, management 4951  
company, or gaming-related vendor license applicant or licensee; 4952

(3) Holds voting rights with the power to vote five per cent 4953  
or more of the outstanding voting rights of a casino operator, 4954  
management company, or gaming-related vendor applicant or 4955  
licensee. 4956

~~(L)~~(N) "Initial investment" includes costs related to 4957  
demolition, engineering, architecture, design, site preparation, 4958  
construction, infrastructure improvements, land acquisition, 4959  
fixtures and equipment, insurance related to construction, and 4960  
leasehold improvements. 4961

~~(M)~~(O) "Institutional investor" means any of the following 4962  
entities owning ~~one more than five per cent or less, or a~~ 4963  
~~percentage between one and ten per cent as approved by the~~ 4964



~~commission through a waiver on a case by case basis, but less than~~ 4965  
~~fifteen per cent, of an~~ ownership interest in a casino facility, 4966  
casino operator, management company, or holding company: a 4967  
corporation, bank, insurance company, pension fund or pension fund 4968  
trust, retirement fund, including funds administered by a public 4969  
agency, employees' profit-sharing fund or employees' 4970  
profit-sharing trust, any association engaged, as a substantial 4971  
part of its business or operations, in purchasing or holding 4972  
securities, including a hedge fund, mutual fund, or private equity 4973  
fund, or any trust in respect of which a bank is trustee or 4974  
cotrustee, investment company registered under the "Investment 4975  
Company Act of 1940," 15 U.S.C. 80a-1 et seq., collective 4976  
investment trust organized by banks under Part Nine of the Rules 4977  
of the Comptroller of the Currency, closed-end investment trust, 4978  
chartered or licensed life insurance company or property and 4979  
casualty insurance company, investment advisor registered under 4980  
the "Investment Advisors Act of 1940," 15 U.S.C. 80 b-1 et seq., 4981  
and such other persons as the commission may reasonably determine 4982  
to qualify as an institutional investor for reasons consistent 4983  
with this chapter, and that does not exercise control over the 4984  
affairs of a licensee and its ownership interest in a licensee is 4985  
for investment purposes only, as set forth in division (E) of 4986  
section 3772.10 of the Revised Code. 4987

~~(N)~~(P) "Key employee" means any executive, employee, or agent 4988  
of a casino operator or management company licensee having the 4989  
power to exercise significant influence over decisions concerning 4990  
any part of the operation of such licensee, including: 4991

(1) An officer, director, trustee, or partner of a person 4992  
that has applied for or holds a casino operator, management 4993  
company, or gaming-related vendor license or of a holding company 4994  
that has control of a person that has applied for or holds a 4995  
casino operator, management company, or gaming-related vendor 4996

license; 4997

(2) A person that holds a direct or indirect ownership 4998  
interest of more than one per cent in a person that has applied 4999  
for or holds a casino operator, management company, or 5000  
gaming-related vendor license or holding company that has control 5001  
of a person that has applied for or holds a casino operator, 5002  
management company, or gaming-related vendor license; 5003

(3) A managerial employee of a person that has applied for or 5004  
holds a casino operator or gaming-related vendor license in Ohio, 5005  
or a managerial employee of a holding company that has control of 5006  
a person that has applied for or holds a casino operator or 5007  
gaming-related vendor license in Ohio, who performs the function 5008  
of principal executive officer, principal operating officer, 5009  
principal accounting officer, or an equivalent officer or other 5010  
person the commission determines to have the power to exercise 5011  
significant influence over decisions concerning any part of the 5012  
operation of such licensee. 5013

The commission shall determine whether an individual whose 5014  
duties or status varies from those described in this division also 5015  
is considered a key employee. 5016

~~(O)~~(Q) "Licensed casino operator" means a casino operator 5017  
that has been issued a license by the commission and that has been 5018  
certified annually by the commission to have paid all applicable 5019  
fees, taxes, and debts to the state. 5020

~~(P)~~(R) "Majority ownership interest" in a license or in a 5021  
casino facility, as the case may be, means ownership of more than 5022  
fifty per cent of such license or casino facility, as the case may 5023  
be. For purposes of the foregoing, whether a majority ownership 5024  
interest is held in a license or in a casino facility, as the case 5025  
may be, shall be determined under the rules for constructive 5026  
ownership of stock provided in Treas. Reg. 1.409A-3(i)(5)(iii) as 5027

in effect on January 1, 2009. 5028

~~(Q)~~(S) "Management company" means an organization retained by 5029  
a casino operator to manage a casino facility and provide services 5030  
such as accounting, general administration, maintenance, 5031  
recruitment, and other operational services. 5032

~~(R)~~(T) "Ohio law enforcement training fund" means the state 5033  
law enforcement training fund described in Section 6(C)(3)(f) of 5034  
Article XV, Ohio Constitution, the money in which shall be used to 5035  
enhance public safety by providing additional training 5036  
opportunities to the law enforcement community. 5037

~~(S)~~(U) "Person" includes, but is not limited to, an 5038  
individual or a combination of individuals; a sole proprietorship, 5039  
a firm, a company, a joint venture, a partnership of any type, a 5040  
joint-stock company, a corporation of any type, a corporate 5041  
subsidiary of any type, a limited liability company, a business 5042  
trust, or any other business entity or organization; an assignee; 5043  
a receiver; a trustee in bankruptcy; an unincorporated 5044  
association, club, society, or other unincorporated entity or 5045  
organization; entities that are disregarded for federal income tax 5046  
purposes; and any other nongovernmental, artificial, legal entity 5047  
that is capable of engaging in business. 5048

~~(T)~~(V) "Problem casino gambling and addictions fund" means 5049  
the state problem gambling and addictions fund described in 5050  
Section 6(C)(3)(g) of Article XV, Ohio Constitution, the money in 5051  
which shall be used for treatment of problem gambling and 5052  
substance abuse, and for related research. 5053

~~(U)~~(W) "Promotional gaming credit" means a slot machine or 5054  
table game credit, discount, or other similar item issued to a 5055  
patron to enable the placement of, or increase in, a wager at a 5056  
slot machine or table game. 5057

~~(V)~~(X) "Slot machine" means any mechanical, electrical, or 5058

other device or machine which, upon insertion of a coin, token, 5059  
ticket, or similar object, or upon payment of any consideration, 5060  
is available to play or operate, the play or operation of which, 5061  
whether by reason of the skill of the operator or application of 5062  
the element of chance, or both, makes individual prize 5063  
determinations for individual participants in cash, premiums, 5064  
merchandise, tokens, or any thing of value, whether the payoff is 5065  
made automatically from the machine or in any other manner, but 5066  
does not include any device that is a skill-based amusement 5067  
machine, as defined in section 2915.01 of the Revised Code. 5068

~~(W)~~(Y) "Table game" means any game played with cards, dice, 5069  
or any mechanical, electromechanical, or electronic device or 5070  
machine for money, casino credit, or any representative of value. 5071  
"Table game" does not include slot machines. 5072

~~(X)~~(Z) "Upfront license" means the first plenary license 5073  
issued to a casino operator. 5074

~~(Y)~~(AA) "Voluntary exclusion program" means a program 5075  
provided by the commission that allows persons to voluntarily 5076  
exclude themselves from the gaming areas of facilities under the 5077  
jurisdiction of the commission by placing their name on a 5078  
voluntary exclusion list and following the procedures set forth by 5079  
the commission. 5080

**Sec. 3772.03.** (A) To ensure the integrity of casino gaming, 5081  
the commission shall have authority to complete the functions of 5082  
licensing, regulating, investigating, and penalizing casino 5083  
operators, management companies, holding companies, key employees, 5084  
casino gaming employees, and gaming-related vendors. The 5085  
commission also shall have jurisdiction over all persons 5086  
participating in casino gaming authorized by Section 6(C) of 5087  
Article XV, Ohio Constitution, and this chapter. 5088

(B) All rules adopted by the commission under this chapter 5089

shall be adopted under procedures established in Chapter 119. of 5090  
the Revised Code. The commission may contract for the services of 5091  
experts and consultants to assist the commission in carrying out 5092  
its duties under this section. 5093

(C) Within six months of ~~the effective date of this section~~ 5094  
September 10, 2010, the commission shall adopt initial rules as 5095  
are necessary for completing the functions stated in division (A) 5096  
of this section and for addressing the subjects enumerated in 5097  
division (D) of this section. 5098

(D) The commission shall adopt, and as advisable and 5099  
necessary shall amend or repeal, rules that include all of the 5100  
following: 5101

(1) The prevention of practices detrimental to the public 5102  
interest; 5103

(2) Prescribing the method of applying, and the form of 5104  
application, that an applicant for a license under this chapter 5105  
must follow as otherwise described in this chapter; 5106

(3) Prescribing the information to be furnished by an 5107  
applicant or licensee as described in section 3772.11 of the 5108  
Revised Code; 5109

(4) Describing the certification standards and duties of an 5110  
independent testing laboratory certified under section 3772.31 of 5111  
the Revised Code and the relationship between the commission, the 5112  
laboratory, the gaming-related vendor, and the casino operator; 5113

(5) The minimum amount of insurance that must be maintained 5114  
by a casino operator, management company, holding company, or 5115  
gaming-related vendor; 5116

(6) The approval process for a significant change in 5117  
ownership or transfer of control of a licensee as provided in 5118  
section 3772.091 of the Revised Code; 5119

(7) The design of gaming supplies, devices, and equipment to be distributed by gaming-related vendors;	5120 5121
(8) Identifying the casino gaming that is permitted, identifying the gaming supplies, devices, and equipment, that are permitted, defining the area in which the permitted casino gaming may be conducted, and specifying the method of operation according to which the permitted casino gaming is to be conducted as provided in section 3772.20 of the Revised Code, and requiring gaming devices and equipment to meet the standards of this state;	5122 5123 5124 5125 5126 5127 5128
(9) Tournament play in any casino facility;	5129
(10) Establishing and implementing a voluntary exclusion program that provides all of the following:	5130 5131
(a) Except as provided by commission rule, a person who participates in the program shall agree to refrain from entering a casino facility.	5132 5133 5134
(b) The name of a person participating in the program shall be included on a list of persons excluded from all casino facilities.	5135 5136 5137
(c) Except as provided by commission rule, no person who participates in the program shall petition the commission for admittance into a casino facility.	5138 5139 5140
(d) The list of persons participating in the program and the personal information of those persons shall be confidential and shall only be disseminated by the commission to a casino operator and the agents and employees of the casino operator for purposes of enforcement and to other entities, upon request of the participant and agreement by the commission.	5141 5142 5143 5144 5145 5146
(e) A casino operator shall make all reasonable attempts as determined by the commission to cease all direct marketing efforts to a person participating in the program.	5147 5148 5149

(f) A casino operator shall not cash the check of a person 5150  
participating in the program or extend credit to the person in any 5151  
manner. However, the program shall not exclude a casino operator 5152  
from seeking the payment of a debt accrued by a person before 5153  
participating in the program. 5154

(g) Any and all locations at which a person may register as a 5155  
participant in the program shall be published. 5156

(11) Requiring the commission to adopt standards regarding 5157  
the marketing materials of a licensed casino operator, including 5158  
allowing the commission to prohibit marketing materials that are 5159  
contrary to the adopted standards; 5160

(12) Requiring that the records, including financial 5161  
statements, of any casino operator, management company, holding 5162  
company, and gaming-related vendor be maintained in the manner 5163  
prescribed by the commission and made available for inspection 5164  
upon demand by the commission, but shall be subject to section 5165  
3772.16 of the Revised Code; 5166

(13) Permitting a licensed casino operator, management 5167  
company, key employee, or casino gaming employee to question a 5168  
person suspected of violating this chapter; 5169

(14) The chips, tokens, tickets, electronic cards, or similar 5170  
objects that may be purchased by means of an agreement under which 5171  
credit is extended to a wagerer by a casino operator; 5172

(15) Establishing standards for provisional key employee 5173  
licenses for a person who is required to be licensed as a key 5174  
employee and is in exigent circumstances and standards for 5175  
provisional licenses for casino gaming employees who submit 5176  
complete applications and are compliant under an instant 5177  
background check. A provisional license shall be valid not longer 5178  
than three months. A provisional license may be renewed one time, 5179  
at the commission's discretion, for an additional three months. In 5180

establishing standards with regard to instant background checks 5181  
the commission shall take notice of criminal records checks as 5182  
they are conducted under section 311.41 of the Revised Code using 5183  
electronic fingerprint reading devices. 5184

(16) Establishing approval procedures for third-party 5185  
engineering or accounting firms, as described in section 3772.09 5186  
of the Revised Code; 5187

(17) Prescribing the manner in which winnings, compensation 5188  
from casino gaming, and gross revenue must be computed and 5189  
reported by a licensee as described in Chapter 5753. of the 5190  
Revised Code; 5191

(18) Prescribing conditions under which a licensee's license 5192  
may be suspended or revoked as described in section 3772.04 of the 5193  
Revised Code; 5194

(19) Prescribing the manner and procedure of all hearings to 5195  
be conducted by the commission or by any hearing examiner; 5196

(20) Prescribing technical standards and requirements that 5197  
are to be met by security and surveillance equipment that is used 5198  
at and standards and requirements to be met by personnel who are 5199  
employed at casino facilities, and standards and requirements for 5200  
the provision of security at and surveillance of casino 5201  
facilities; 5202

(21) Prescribing requirements for a casino operator to 5203  
provide unarmed security services at a casino facility by licensed 5204  
casino employees, and the training that shall be completed by 5205  
these employees; 5206

(22) Prescribing standards according to which casino 5207  
operators shall keep accounts and standards according to which 5208  
casino accounts shall be audited, and establish means of assisting 5209  
the tax commissioner in levying and collecting the gross casino 5210  
revenue tax levied under section 5753.02 of the Revised Code; 5211



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

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

(25) Establishing standards for the repair of casino gaming equipment;

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

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

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

(F) The commission, as a law enforcement agency, and its gaming agents, as law enforcement officers as defined in section 2901.01 of the Revised Code, shall have authority with regard to the detection and investigation of, the seizure of evidence allegedly relating to, and the apprehension and arrest of persons allegedly committing gaming offenses, and shall have access to casino facilities to carry out the requirements of this chapter.

(G) The commission may eject or exclude or authorize the ejection or exclusion of and a gaming agent may eject a person

from a casino facility for any of the following reasons: 5243

(1) The person's name is on the list of persons voluntarily 5244  
excluding themselves from all casinos in a program established 5245  
according to rules adopted by the commission; 5246

(2) The person violates or conspires to violate this chapter 5247  
or a rule adopted thereunder; or 5248

(3) The commission determines that the person's conduct or 5249  
reputation is such that the person's presence within a casino 5250  
facility may call into question the honesty and integrity of the 5251  
casino gaming operations or interfere with the orderly conduct of 5252  
the casino gaming operations. 5253

(H) A person, other than a person participating in a 5254  
voluntary exclusion program, may petition the commission for a 5255  
public hearing on the person's ejection or exclusion under this 5256  
chapter. 5257

(I) A casino operator or management company shall have the 5258  
same authority to eject or exclude a person from the management 5259  
company's casino facilities as authorized in division (G) of this 5260  
section. The licensee shall immediately notify the commission of 5261  
an ejection or exclusion. 5262

(J) The commission shall submit a written annual report with 5263  
the governor, president and minority leader of the senate, speaker 5264  
and minority leader of the house of representatives, and joint 5265  
committee on gaming and wagering before the first day of September 5266  
each year. The annual report shall include a statement describing 5267  
the receipts and disbursements of the commission, relevant 5268  
financial data regarding casino gaming, including gross revenues 5269  
and disbursements made under this chapter, actions taken by the 5270  
commission, an update on casino operators', management companies', 5271  
and holding companies' compulsive and problem gambling plans and 5272  
the voluntary exclusion program and list, and any additional 5273

information that the commission considers useful or that the 5274  
governor, president or minority leader of the senate, speaker or 5275  
minority leader of the house of representatives, or joint 5276  
committee on gaming and wagering requests. 5277

(K) Notwithstanding any law to the contrary, beginning on 5278  
July 1, 2011, the commission shall assume jurisdiction over and 5279  
oversee the regulation of skill-based amusement machines as is 5280  
provided in the law of this state. 5281

**Sec. 3772.04.** (A)(1) ~~If, as the result of an investigation,~~ 5282  
the commission concludes that a license ~~or finding~~ required by 5283  
this chapter should be limited, conditioned, ~~or~~ restricted, ~~or~~ 5284  
suspended, ~~or~~ revoked, denied, or not renewed, the commission 5285  
~~shall conduct~~ may, and if so requested by a licensee or applicant, 5286  
shall, conduct a hearing in an adjudication under Chapter 119. of 5287  
the Revised Code. After notice and opportunity for a hearing, the 5288  
commission may limit, condition, restrict, suspend, revoke, deny, 5289  
or not renew a license under rules adopted by the commission. The 5290  
commission may reopen a licensing adjudication at any time. 5291

(2) The commission shall appoint a hearing examiner to 5292  
conduct the hearing in the adjudication. A party to the 5293  
adjudication may file written objections to the hearing examiner's 5294  
report and recommendations not later than the thirtieth day after 5295  
they are served upon the party or the party's attorney or other 5296  
representative of record. The commission shall not take up the 5297  
hearing examiner's report and recommendations earlier than the 5298  
thirtieth day after the hearing examiner's report and 5299  
recommendations were submitted to the commission. 5300

(3) If the commission finds that a person fails or has failed 5301  
to meet any requirement under this chapter or a rule adopted 5302  
thereunder, or violates or has violated this chapter or a rule 5303  
adopted thereunder, the commission may issue an order: 5304

(a) Limiting, conditioning, <del>or</del> restricting, <del>or</del> suspending <del>or</del> , revoking, denying, or not renewing, a license issued under this chapter;	5305 5306 5307
(b) <del>Limiting, conditioning, or restricting, or suspending or revoking, a finding made under this chapter;</del>	5308 5309
<del>(e)</del> Requiring a casino facility to exclude a licensee from the casino facility or requiring a casino facility not to pay to the licensee any remuneration for services or any share of profits, income, or accruals on the licensee's investment in the casino facility; or	5310 5311 5312 5313 5314
<del>(d)</del> (c) Fining a licensee or other person according to the penalties adopted by the commission.	5315 5316
(4) An order may be judicially reviewed under section 119.12 of the Revised Code.	5317 5318
(B) <u>Without in any manner limiting the authority of the commission to impose the level and type of discipline the commission considers appropriate, the commission may take into consideration the following:</u>	5319 5320 5321 5322
<u>(1) If the licensee knew or reasonably should have known that the action complained of was a violation of any law, rule, or condition on the licensee's license;</u>	5323 5324 5325
<u>(2) If the licensee has previously been disciplined by the commission;</u>	5326 5327
<u>(3) If the licensee has previously been subject to discipline by the commission concerning the violation of any law, rule, or condition of the licensee's license;</u>	5328 5329 5330
<u>(4) If the licensee reasonably relied upon professional advice from a lawyer, doctor, accountant, or other recognized professional that was relevant to the action resulting in the violation;</u>	5331 5332 5333 5334

- (5) If the licensee or the licensee's employer had a reasonably constituted and functioning compliance program; 5335  
5336
- (6) If the imposition of a condition requiring the licensee to establish and implement a written self-enforcement and compliance program would assist in ensuring the licensee's future compliance with all statutes, rules, and conditions of the license; 5337  
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5341
- (7) If the licensee realized a pecuniary gain from the violation; 5342  
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- (8) If the amount of any fine or other penalty imposed would result in disgorgement of any gains unlawfully realized by the licensee; 5344  
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- (9) If the violation was caused by an officer or employee of the licensee, the level of authority of the individual who caused the violation; 5347  
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- (10) If the individual who caused the violation acted within the scope of the individual's authority as granted by the licensee; 5350  
5351  
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- (11) The adequacy of any training programs offered by the licensee or the licensee's employer that were relevant to the activity that resulted in the violation; 5353  
5354  
5355
- (12) If the licensee's action substantially deviated from industry standards and customs; 5356  
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- (13) The extent to which the licensee cooperated with the commission during the investigation of the violation; 5358  
5359
- (14) If the licensee has initiated remedial measures to prevent similar violations; 5360  
5361
- (15) The magnitude of penalties imposed on other licensees for similar violations; 5362  
5363
- (16) The proportionality of the penalty in relation to the 5364

<u>misconduct;</u>	5365
<u>(17) The extent to which the amount of any fine imposed would</u>	5366
<u>punish the licensee for the conduct and deter future violations;</u>	5367
<u>(18) Any mitigating factors offered by the licensee; and</u>	5368
<u>(19) Any other factors the commission considers relevant.</u>	5369
<u>(C) For the purpose of conducting any study or investigation,</u>	5370
the commission may direct that public hearings be held at a time	5371
and place, prescribed by the commission, in accordance with	5372
section 121.22 of the Revised Code. The commission shall give	5373
notice of all public hearings in such manner as will give actual	5374
notice to all interested parties.	5375
<del>(C) In</del> <u>(D)(1) For the purpose of conducting the hearing in an</u>	5376
<u>adjudication under division (A) of this section, or in the</u>	5377
discharge of any duties imposed by this chapter, the commission	5378
may require that testimony be given under oath and administer such	5379
oath, issue subpoenas compelling the attendance of witnesses and	5380
the production of any papers, books, and accounts, <u>directed to the</u>	5381
<u>sheriffs of the counties where such witnesses or papers, books,</u>	5382
<u>and accounts are found</u> and cause the deposition of any witness. <del>In</del>	5383
<u>The subpoenas shall be served and returned in the same manner as</u>	5384
<u>subpoenas in criminal cases are served and returned. The fees of</u>	5385
<u>sheriffs shall be the same as those allowed by the court of common</u>	5386
<u>pleas in criminal cases.</u>	5387
<u>(2) In</u> the event of the refusal of any person without good	5388
cause to comply with the terms of a subpoena issued by the	5389
commission or refusal to testify on matters about which the person	5390
may lawfully be questioned, the prosecuting attorney of the county	5391
in which such person resides, upon the petition of the commission,	5392
may bring a proceeding for contempt against such person in the	5393
court of common pleas of that county.	5394
<u>(3) Witnesses shall be paid the fees and mileage provided for</u>	5395

in section 119.094 of the Revised Code. 5396

(4) All fees and mileage expenses incurred at the request of 5397

a party shall be paid in advance by the party. 5398

~~(D)~~(E) When conducting a public hearing, the commission shall 5399

not limit the number of speakers who may testify. However, the 5400

commission may set reasonable time limits on the length of an 5401

individual's testimony or the total amount of time allotted to 5402

proponents and opponents of an issue before the commission. 5403

~~(E) An administrative law judge appointed by the commission~~ 5404

~~may conduct a hearing under this chapter and recommend findings of~~ 5405

~~fact and decisions to the commission.~~ 5406

(F) The commission may rely, in whole or in part, upon 5407

investigations, conclusions, or findings of other casino gaming 5408

commissions or other government regulatory bodies in connection 5409

with licensing, investigations, or other matters relating to an 5410

applicant or licensee under this chapter. 5411

**Sec. 3772.091.** (A) ~~No~~ A casino operator license issued under 5412

this chapter is transferable subject to approval by the 5413

commission. ~~New majority ownership interest or~~ Any change or 5414

transfer of control of a casino operator shall require a ~~new~~ 5415

license commission approval. ~~The commission may reopen a licensing~~ 5416

~~investigation at any time. A significant~~ Any change in or transfer 5417

of control of a casino operator, as determined by the commission, 5418

shall require the filing of an application for a ~~new~~ transferring 5419

the casino operator license and submission of a ~~license an~~ 5420

application fee with the commission before any such change or 5421

transfer of control ~~is~~ may be approved. ~~A change in or transfer of~~ 5422

~~control to an immediate family member is not considered a~~ 5423

~~significant change under this section~~ Additionally, the commission 5424

may assess an applicant a reasonable fee in the amount necessary 5425

to review the application for the transfer of a casino operator 5426

license to the applicant. In determining whether to approve the 5427  
transfer of a casino operator license to the applicant, the 5428  
commission shall consider all the factors established in Chapter 5429  
3772. of the Revised Code that pertain to the granting of a casino 5430  
operator license. The commission may reopen a licensing 5431  
investigation at any time. 5432

(B) As used in this section, "control" means either of the 5433  
following: 5434

(1) Either: 5435

(a) Holding ~~fifty~~ thirty per cent or more of the outstanding 5436  
voting securities of a licensee; or 5437

(b) For an unincorporated licensee, having the right to ~~fifty~~ 5438  
thirty per cent or more of the profits of the licensee, or having 5439  
the right in the event of dissolution to ~~fifty~~ thirty per cent or 5440  
more of the assets of the licensee. 5441

(2) Having the contractual power presently to designate ~~fifty~~ 5442  
thirty per cent or more of the directors of a for-profit or 5443  
not-for-profit corporation, or in the case of trusts described in 5444  
paragraphs (c)(3) to (5) of 16 C.F.R. 801.1, the trustees of such 5445  
a trust. 5446

**Sec. 3772.10.** (A) In determining whether to grant or maintain 5447  
the privilege of a casino operator, management company, holding 5448  
company, key employee, casino gaming employee, or gaming-related 5449  
vendor license, the Ohio casino control commission shall consider 5450  
all of the following, as applicable: 5451

(1) The reputation, experience, and financial integrity of 5452  
the applicant, its holding company, if applicable, and any other 5453  
person that directly or indirectly controls the applicant; 5454

(2) The financial ability of the applicant to purchase and 5455



maintain adequate liability and casualty insurance and to provide 5456  
an adequate surety bond; 5457

(3) The past and present compliance of the applicant and its 5458  
affiliates or affiliated companies with casino-related licensing 5459  
requirements in this state or any other jurisdiction, including 5460  
whether the applicant has a history of noncompliance with the 5461  
casino licensing requirements of any jurisdiction; 5462

(4) If the applicant has been indicted, convicted, pleaded 5463  
guilty or no contest, or forfeited bail concerning any criminal 5464  
offense under the laws of any jurisdiction, either felony or 5465  
misdemeanor, not including traffic violations; 5466

(5) If the applicant has filed, or had filed against it a 5467  
proceeding for bankruptcy or has ever been involved in any formal 5468  
process to adjust, defer, suspend, or otherwise work out the 5469  
payment of any debt; 5470

(6) If the applicant has been served with a complaint or 5471  
other notice filed with any public body regarding a payment of any 5472  
tax required under federal, state, or local law that has been 5473  
delinquent for one or more years; 5474

(7) If the applicant is or has been a defendant in litigation 5475  
involving its business practices; 5476

(8) If awarding a license would undermine the public's 5477  
confidence in the casino gaming industry in this state; 5478

(9) If the applicant meets other standards for the issuance 5479  
of a license that the commission adopts by rule, which shall not 5480  
be arbitrary, capricious, or contradictory to the expressed 5481  
provisions of this chapter. 5482

(B) All applicants for a license under this chapter shall 5483  
establish their suitability for a license by clear and convincing 5484  
evidence. If the commission determines that a person is eligible 5485

under this chapter to be issued a license as a casino operator, 5486  
management company, holding company, key employee, casino gaming 5487  
employee, or gaming-related vendor, the commission shall issue 5488  
such license for not more than three years, as determined by 5489  
commission rule, if all other requirements of this chapter have 5490  
been satisfied. 5491

(C) The commission shall not issue a casino operator, 5492  
management company, holding company, key employee, casino gaming 5493  
employee, or gaming-related vendor license under this chapter to 5494  
an applicant if: 5495

(1) The applicant has been convicted of a disqualifying 5496  
offense, as defined in section 3772.07 of the Revised Code. 5497

(2) The applicant has submitted an application for license 5498  
under this chapter that contains false information. 5499

(3) The applicant is a commission member. 5500

(4) The applicant owns an ownership interest that is unlawful 5501  
under this chapter, unless waived by the commission. 5502

(5) The applicant violates specific rules adopted by the 5503  
commission related to denial of licensure. 5504

(6) The applicant is a member of or employed by a gaming 5505  
regulatory body of a governmental unit in this state, another 5506  
state, or the federal government, or is employed by a governmental 5507  
unit of this state. This division does not prohibit a casino 5508  
operator from hiring special duty law enforcement officers if the 5509  
officers are not specifically involved in gaming-related 5510  
regulatory functions. 5511

(7) The commission otherwise determines the applicant is 5512  
ineligible for the license. 5513

(D)(1) The commission shall investigate the qualifications of 5514  
each applicant under this chapter before any license is issued and 5515

before any finding with regard to acts or transactions for which 5516  
commission approval is required is made. The commission shall 5517  
continue to observe the conduct of all licensees and all other 5518  
persons having a material involvement directly or indirectly with 5519  
a casino operator, management company, or holding company to 5520  
ensure that licenses are not issued to or held by, or that there 5521  
is not any material involvement with a casino operator, management 5522  
company, or holding company by, an unqualified, disqualified, or 5523  
unsuitable person or a person whose operations are conducted in an 5524  
unsuitable manner or in unsuitable or prohibited places or 5525  
locations. 5526

(2) The executive director may recommend to the commission 5527  
that it deny any application, or limit, condition, or restrict, or 5528  
suspend or revoke, any license or finding, or impose any fine upon 5529  
any licensee or other person according to this chapter and the 5530  
rules adopted thereunder. 5531

(3) A license issued under this chapter is a revocable 5532  
privilege. No licensee has a vested right in or under any license 5533  
issued under this chapter. The initial determination of the 5534  
commission to deny, or to limit, condition, or restrict, a license 5535  
may be appealed under section 2505.03 of the Revised Code. 5536

(E)(1) An institutional investor ~~otherwise required to~~ may be 5537  
found to be suitable or qualified by the commission under this 5538  
chapter and the rules adopted under this chapter. An institutional 5539  
investor shall be presumed suitable or qualified upon submitting 5540  
documentation sufficient to establish qualifications as an 5541  
institutional investor and upon certifying all of the following: 5542

(a) The institutional investor owns, holds, or controls 5543  
~~publicly traded~~ securities issued by a licensee or holding, 5544  
intermediate, or parent company of a licensee or in the ordinary 5545  
course of business for investment purposes only. 5546

(b) The institutional investor does not exercise influence 5547  
over the affairs of the issuer of such securities nor over any 5548  
licensed subsidiary of the issuer of such securities. 5549

(c) The institutional investor does not intend to exercise 5550  
influence over the affairs of the issuer of such securities, nor 5551  
over any licensed subsidiary of the issuer of such securities, in 5552  
the future, and that it agrees to notify the commission in writing 5553  
within thirty days if such intent changes. 5554

(2) The exercise of voting privileges with regard to ~~publicly~~ 5555  
~~traded~~ securities shall not be deemed to constitute the exercise 5556  
of influence over the affairs of a licensee. 5557

(3) The commission shall rescind the presumption of 5558  
suitability for an institutional investor at any time if the 5559  
institutional investor exercises or intends to exercise influence 5560  
or control over the affairs of the licensee. 5561

(4) This division shall not be construed to preclude the 5562  
commission from requesting information from or investigating the 5563  
suitability or qualifications of an institutional investor if ~~the~~ 5564

(a) The commission becomes aware of facts or information that 5565  
may result in the institutional investor being found unsuitable or 5566  
disqualified; or 5567

(b) The commission has any other reason to seek information 5568  
from the investor to determine whether it qualifies as an 5569  
institutional investor. 5570

(5) If the commission finds an institutional investor to be 5571  
unsuitable or unqualified, the commission shall so notify the 5572  
investor and the casino operator, holding company, management 5573  
company, or gaming-related vendor licensee in which the investor 5574  
invested. The commission shall allow the investor and the licensee 5575  
a reasonable amount of time, as specified by the commission on a 5576  
case-by-case basis, to cure the conditions that caused the 5577

commission to find the investor unsuitable or unqualified. If 5578  
during the specified period of time the investor or the licensee 5579  
does not or cannot cure the conditions that caused the commission 5580  
to find the investor unsuitable or unqualified, the commission may 5581  
allow the investor or licensee more time to cure the conditions or 5582  
the commission may begin proceedings to deny, suspend, or revoke 5583  
the license of the casino operator, holding company, management 5584  
company, or gaming-related vendor in which the investor invested 5585  
or to deny any of the same the renewal of any such license. 5586

(6) A private licensee or holding company shall provide the 5587  
same information to the commission as a public company would 5588  
provide in a form 13d or form 13g filing to the securities and 5589  
exchange commission. 5590

(F) Information provided on the application shall be used as 5591  
a basis for a thorough background investigation of each applicant. 5592  
A false or incomplete application is cause for denial of a license 5593  
by the commission. All applicants and licensees shall consent to 5594  
inspections, searches, and seizures and to the disclosure to the 5595  
commission and its agents of confidential records, including tax 5596  
records, held by any federal, state, or local agency, credit 5597  
bureau, or financial institution and to provide handwriting 5598  
exemplars, photographs, fingerprints, and information as 5599  
authorized in this chapter and in rules adopted by the commission. 5600

**Sec. 3772.13.** (A) No person may be employed as a key employee 5601  
of a casino operator, management company, or holding company 5602  
unless the person is the holder of a valid key employee license 5603  
issued by the commission. 5604

(B) No person may be employed as a key employee of a 5605  
gaming-related vendor unless that person is either the holder of a 5606  
valid key employee license issued by the commission, or the 5607  
person, at least five business days prior to the first day of 5608

employment as a key employee, has filed a notification of 5609  
employment with the commission and subsequently files a completed 5610  
application for a key employee license within the first thirty 5611  
days of employment as a key employee. 5612

(C) Each applicant shall, before the issuance of any key 5613  
employee license, produce information, documentation, and 5614  
assurances as are required by this chapter and rules adopted 5615  
thereunder. In addition, each applicant shall, in writing, 5616  
authorize the examination of all bank accounts and records as may 5617  
be deemed necessary by the commission. 5618

~~(C)~~(D) To be eligible for a key employee license, the 5619  
applicant shall be at least twenty-one years of age and shall meet 5620  
the criteria set forth by rule by the commission. 5621

~~(D)~~(E) Each application for a key employee license shall be 5622  
on a form prescribed by the commission and shall contain all 5623  
information required by the commission. The applicant shall set 5624  
forth in the application if the applicant has been issued prior 5625  
gambling-related licenses; if the applicant has been licensed in 5626  
any other state under any other name, and, if so, the name under 5627  
which the license was issued and the applicant's age at the time 5628  
the license was issued; any criminal conviction the applicant has 5629  
had; and if a permit or license issued to the applicant in any 5630  
other state has been suspended, restricted, or revoked, and, if 5631  
so, the cause and the duration of each action. The applicant also 5632  
shall complete a cover sheet for the application on which the 5633  
applicant shall disclose the applicant's name, the business 5634  
address of the casino operator, management company, or holding 5635  
company employing the applicant, the business address and 5636  
telephone number of such employer, and the county, state, and 5637  
country in which the applicant's residence is located. 5638

~~(E)~~(F) Each applicant shall submit with each application, on 5639  
a form provided by the commission, two sets of fingerprints and a 5640

photograph. The commission shall charge each applicant an 5641  
application fee set by the commission to cover all actual costs 5642  
generated by each licensee and all background checks under this 5643  
section and section 3772.07 of the Revised Code. 5644

~~(F)~~(G)(1) The casino operator, management company, or holding 5645  
company by whom a person is employed as a key employee shall 5646  
terminate the person's employment in any capacity requiring a 5647  
license under this chapter and shall not in any manner permit the 5648  
person to exercise a significant influence over the operation of a 5649  
casino facility if: 5650

(a) The person does not apply for and receive a key employee 5651  
license within three months of being issued a provisional license, 5652  
as established under commission rule. 5653

(b) The person's application for a key employee license is 5654  
denied by the commission. 5655

(c) The person's key employee license is revoked by the 5656  
commission. 5657

The commission shall notify the casino operator, management 5658  
company, or holding company who employs such a person by certified 5659  
mail of any such finding, denial, or revocation. 5660

(2) A casino operator, management company, or holding company 5661  
shall not pay to a person whose employment is terminated under 5662  
division ~~(F)~~(G)(1) of this section, any remuneration for any 5663  
services performed in any capacity in which the person is required 5664  
to be licensed, except for amounts due for services rendered 5665  
before notice was received under that division. A contract or 5666  
other agreement for personal services or for the conduct of any 5667  
casino gaming at a casino facility between a casino operator, 5668  
management company, or holding company and a person whose 5669  
employment is terminated under division ~~(F)~~(G)(1) of this section 5670  
may be terminated by the casino operator, management company, or 5671

holding company without further liability on the part of the 5672  
casino operator, management company, or holding company. Any such 5673  
contract or other agreement is deemed to include a term 5674  
authorizing its termination without further liability on the part 5675  
of the casino operator, management company, or holding company 5676  
upon receiving notice under division ~~(F)~~(G)(1) of this section. 5677  
That a contract or other agreement does not expressly include such 5678  
a term is not a defense in any action brought to terminate the 5679  
contract or other agreement, and is not grounds for relief in any 5680  
action brought questioning termination of the contract or other 5681  
agreement. 5682

(3) A casino operator, management company, or holding 5683  
company, without having obtained the prior approval of the 5684  
commission, shall not enter into any contract or other agreement 5685  
with a person who has been found unsuitable, who has been denied a 5686  
license, or whose license has been revoked under division 5687  
~~(F)~~(G)(1) of this section, or with any business enterprise under 5688  
the control of such a person, after the date on which the casino 5689  
operator, management company, or holding company receives notice 5690  
under that division. 5691

**Sec. 3772.16.** (A) Any information concerning the following 5692  
submitted, collected, or gathered as part of an application to the 5693  
commission for a license under this chapter is confidential and 5694  
not subject to disclosure by any state agency or political 5695  
subdivision as a record under section 149.43 of the Revised Code: 5696

(1) A minor child of an applicant; 5697

(2) The social security number, passport number, or federal 5698  
tax identification number of an applicant or the spouse of an 5699  
applicant; 5700

(3) The home address and telephone number of an applicant or 5701  
the spouse or ~~children~~ dependent of an applicant; 5702



(4) An applicant's birth certificate;	5703
(5) The driver's license number of an applicant or the applicant's spouse;	5704 5705
(6) The name or address of a previous spouse of the applicant;	5706 5707
(7) The date of birth of the <u>applicant and the</u> spouse of an applicant;	5708 5709
(8) The place of birth of the <u>applicant and the</u> spouse of an applicant;	5710 5711
(9) The personal financial information and records of an applicant <u>or of an employee</u> or the spouse or <del>minor child</del> <u>dependent</u> of an applicant, including tax returns and information, and records of criminal proceedings;	5712 5713 5714 5715
(10) Any information concerning a victim of domestic violence, sexual assault, or stalking;	5716 5717
(11) The electronic mail address of the spouse or family member of the applicant;	5718 5719
(12) <del>An applicant's home addresses; and</del>	5720
<del>(13) Any trade secret, medical records, and patents or</del> <u>exclusive licenses;</u>	5721 5722
<u>(13) Security information, including risk prevention plans, detection and countermeasures, location of count rooms or other money storage areas, emergency management plans, security and surveillance plans, equipment and usage protocols, and theft and fraud prevention plans and countermeasures;</u>	5723 5724 5725 5726 5727
<u>(14) Information provided in a multijurisdictional personal history disclosure form, including the Ohio supplement, exhibits, attachments, and updates.</u>	5728 5729 5730
(B) Notwithstanding any other law, upon written request from	5731

a person, the commission shall provide the following information 5732  
to the person except as provided in this chapter: 5733

(1) The information provided under this chapter concerning a 5734  
licensee or an applicant; 5735

(2) The amount of the wagering tax and admission tax paid 5736  
daily to the state by a licensed applicant or an operating agent; 5737  
and 5738

(3) A copy of a letter providing the reasons for the denial 5739  
of an applicant's license or an operating agent's contract and a 5740  
copy of a letter providing the reasons for the commission's 5741  
refusal to allow an applicant to withdraw the applicant's 5742  
application, but with confidential information redacted if that 5743  
information is the reason for the denial or refusal to withdraw. 5744

(C) ~~In addition to information that is confidential under 5745  
division (A) of this section, medical records, trade secrets, 5746  
patents or exclusive licenses, and marketing materials maintained 5747  
by the commission concerning a person who holds, held, or has 5748  
applied for a license under this chapter is confidential and not 5749  
subject to section 149.43 of the Revised Code. 5750~~

~~(D)~~ The individual's name, the individual's place of 5751  
employment, the individual's job title, and the individual's 5752  
gaming experience that is provided for an individual who holds, 5753  
held, or has applied for a license under this chapter is not 5754  
confidential. The reason for denial or revocation of a license or 5755  
for disciplinary action against the individual and information 5756  
submitted by the individual for a felony waiver request is not 5757  
confidential. The cover sheet completed by an applicant for a key 5758  
employee license under section 3772.13 of the Revised Code is not 5759  
confidential. 5760

~~(E)~~(D) An individual who holds, held, or has applied for a 5761  
license under this chapter may waive the confidentiality 5762

requirements of division (A) of this section. 5763

(E) Confidential information received by the commission from 5764  
another jurisdiction relating to a person who holds, held, or has 5765  
applied for a license under this chapter is confidential and not 5766  
subject to disclosure as a public record under section 149.43 of 5767  
the Revised Code. The commission may share the information 5768  
referenced in this division with, or disclose the information to, 5769  
the inspector general, any appropriate prosecuting authority, any 5770  
law enforcement agency, or any other appropriate governmental or 5771  
licensing agency, if the agency that receives the information 5772  
complies with the same requirements regarding confidentiality as 5773  
those with which the commission must comply. 5774

**Sec. 3772.17.** (A) The upfront license fee to obtain a license 5775  
as a casino operator shall be fifty million dollars per casino 5776  
facility, ~~which~~ and shall be paid upon each initial casino 5777  
operator's filing of its casino operator license application with 5778  
the commission. The upfront license fee, once paid to the 5779  
commission, shall be deposited into the economic development 5780  
programs fund, which is created in the state treasury. New casino 5781  
operator, management company, and holding company license and 5782  
renewal license fees shall be set by rule, subject to the review 5783  
of the joint committee on gaming and wagering. The upfront license 5784  
fee charged by this division shall not be assessed on the transfer 5785  
of a casino operator license to a new casino operator if approved 5786  
by the commission as set forth in section 3772.091 of the Revised 5787  
Code. 5788

(B) The fee to obtain an application for a casino operator, 5789  
management company, or holding company license shall be one 5790  
million five hundred thousand dollars per application. The fee 5791  
charged by this division shall apply to the application to 5792  
transfer a casino operator license to a new casino operator as set 5793

forth in section 3772.091 of the Revised Code. The application fee 5794  
shall be deposited into the casino control commission fund. The 5795  
application fee is nonrefundable. 5796

(C) The license fees for a gaming-related vendor shall be set 5797  
by rule, subject to the review of the joint committee on gaming 5798  
and wagering. Additionally, the commission may assess an applicant 5799  
a reasonable fee in the amount necessary to process a 5800  
gaming-related vendor license application. 5801

(D) The license fees for a key employee shall be set by rule, 5802  
subject to the review of the joint committee on gaming and 5803  
wagering. Additionally, the commission may assess an applicant a 5804  
reasonable fee in the amount necessary to process a key employee 5805  
license application. If the license is being sought at the request 5806  
of a casino operator, such fees shall be paid by the casino 5807  
operator. 5808

(E) The license fees for a casino gaming employee shall be 5809  
set by rule, subject to the review of the joint committee on 5810  
gaming and wagering. If the license is being sought at the request 5811  
of a casino operator, the fee shall be paid by the casino 5812  
operator. 5813

**Sec. 3772.28.** (A) A licensed casino operator shall not enter 5814  
into a debt transaction without the approval of the commission. 5815  
The licensed casino operator shall submit, in writing, a request 5816  
for approval of a debt transaction that contains at least the 5817  
following information: 5818

(1) The names and addresses of all parties to the debt 5819  
transaction; 5820

(2) The amount of the funds involved; 5821

(3) The type of debt transaction; 5822

(4) The source of the funds to be obtained; 5823

- (5) All sources of collateral; 5824
- (6) The purpose of the debt transaction; 5825
- (7) The terms of the debt transaction; 5826
- (8) Any other information deemed necessary by the commission. 5827

(B) As used in this section, "debt transaction" means a 5828  
transaction by a licensed casino operator concerning a casino 5829  
facility totaling five hundred thousand dollars or more in which a 5830  
licensed casino operator acquires debt, including bank financing, 5831  
private debt offerings, and any other transaction that results in 5832  
the encumbrance of assets. 5833

(C) Notwithstanding divisions (A) and (B) of this section, a 5834  
licensed casino operator may enter into one or more debt 5835  
transactions with affiliated companies provided the aggregate 5836  
amount of all such debt transactions at any one time does not 5837  
exceed ten million dollars. When a licensed casino operator 5838  
intends to enter into such a debt transaction with an affiliated 5839  
company, the licensed casino operator shall provide immediate 5840  
notification, in writing, to the commission. The commission is 5841  
entitled to require prior approval of the debt transaction if the 5842  
commission provides notice to the licensed casino operator within 5843  
seven days after receiving the notification. In determining 5844  
whether to approve such a debt transaction, the commission may 5845  
require the licensed casino operator to submit the information 5846  
specified in division (A) of this section. The commission may 5847  
adopt rules governing its review and approval of such debt 5848  
transactions. For the purposes of this division, "affiliated 5849  
companies" means any holding company or institutional investor or 5850  
any individual, partnership, corporation, association, trust, or 5851  
any other group of individuals, however organized, which directly 5852  
or indirectly owns, has the power or right to control, or holds 5853  
with the power to vote, an ownership interest in a licensed casino 5854

operator. 5855

**Sec. 3772.99.** (A) The commission shall levy and collect 5856  
penalties for noncriminal violations of this chapter. Moneys 5857  
collected from such penalty levies shall be credited to the 5858  
general revenue fund. 5859

(B) If a licensed casino operator, management company, 5860  
holding company, gaming-related vendor, or key employee violates 5861  
this chapter or engages in a fraudulent act, the commission may 5862  
suspend or revoke the license and may do either or both of the 5863  
following: 5864

(1) Suspend, revoke, or restrict the casino gaming operations 5865  
of a casino operator; 5866

(2) Require the removal of a management company, key 5867  
employee, or discontinuance of services from a gaming-related 5868  
vendor. 5869

(C) The commission shall impose civil penalties against a 5870  
person who violates this chapter under the penalties adopted by 5871  
commission rule and reviewed by the joint committee on gaming and 5872  
wagering. 5873

(D) A person who knowingly or intentionally does any of the 5874  
following commits a misdemeanor of the first degree on the first 5875  
offense and a felony of the fifth degree for a subsequent offense: 5876

(1) Makes a false statement on an application submitted under 5877  
this chapter; 5878

(2) Permits a person less than twenty-one years of age to 5879  
make a wager; 5880

(3) Aids, induces, or causes a person less than twenty-one 5881  
years of age who is not an employee of the casino gaming operation 5882  
to enter or attempt to enter a casino facility; 5883

(4) Enters or attempts to enter a casino facility while under 5884  
twenty-one years of age, unless the person enters a designated 5885  
area as described in section 3772.24 of the Revised Code; 5886

(5) Wagers or accepts a wager at a location other than a 5887  
casino facility; 5888

(6) Is a casino operator or employee and participates in 5889  
casino gaming other than as part of operation or employment. 5890

(E) A person who knowingly or intentionally does any of the 5891  
following commits a felony of the fifth degree on a first offense 5892  
and a felony of the fourth degree for a subsequent offense. If the 5893  
person is a licensee under this chapter, the commission shall 5894  
revoke the person's license after the first offense. 5895

~~(1) Offers, promises, or gives anything of value or benefit 5896  
to a person who is connected with the casino operator, management 5897  
company, holding company, or gaming related vendor, including 5898  
their officers and employees, under an agreement to influence or 5899  
with the intent to influence the actions of the person to whom the 5900  
offer, promise, or gift was made in order to affect or attempt to 5901  
affect the outcome of a casino game or an official action of a 5902  
commission member; 5903~~

~~(2) Solicits, accepts, or receives a promise of anything of 5904  
value or benefit while the person is connected with a casino, 5905  
including an officer or employee of a casino operator, management 5906  
company, or gaming related vendor, under an agreement to influence 5907  
or with the intent to influence the actions of the person to 5908  
affect or attempt to affect the outcome of a casino game or an 5909  
official action of a commission member; 5910~~

~~(3) Uses or possesses with the intent to use a device to 5911  
assist in projecting the outcome of the casino game, keeping track 5912  
of the cards played, analyzing the probability of the occurrence 5913  
of an event relating to the casino game, or analyzing the strategy 5914~~

for playing or betting to be used in the casino game, except as 5915  
permitted by the commission; 5916

~~(4)~~(2) Cheats at a casino game; 5917

~~(5)~~(3) Manufactures, sells, or distributes any cards, chips, 5918  
dice, game, or device that is intended to be used to violate this 5919  
chapter; 5920

~~(6)~~(4) Alters or misrepresents the outcome of a casino game 5921  
on which wagers have been made after the outcome is made sure but 5922  
before the outcome is revealed to the players; 5923

~~(7)~~(5) Places, increases, or decreases a wager on the outcome 5924  
of a casino game after acquiring knowledge that is not available 5925  
to all players and concerns the outcome of the casino game that is 5926  
the subject of the wager; 5927

~~(8)~~(6) Aids a person in acquiring the knowledge described in 5928  
division (E)~~(7)~~(5) of this section for the purpose of placing, 5929  
increasing, or decreasing a wager contingent on the outcome of a 5930  
casino game; 5931

~~(9)~~(7) Claims, collects, takes, or attempts to claim, 5932  
collect, or take money or anything of value in or from a casino 5933  
game with the intent to defraud or without having made a wager 5934  
contingent on winning a casino game; 5935

~~(10)~~(8) Claims, collects, or takes an amount of money or 5936  
thing of value of greater value than the amount won in a casino 5937  
game; 5938

~~(11)~~(9) Uses or possesses counterfeit chips ~~or~~, tokens, or 5939  
cashless wagering instruments in or for use in a casino game; 5940

~~(12)~~(10) Possesses a key or device designed for opening, 5941  
entering, or affecting the operation of a casino game, drop box, 5942  
or an electronic or a mechanical device connected with the casino 5943  
game or removing coins, tokens, chips, or other contents of a 5944



casino game. This division does not apply to a casino operator, 5945  
management company, or gaming-related vendor or their agents and 5946  
employees in the course of agency or employment. 5947

~~(13)~~(11) Possesses materials used to manufacture a ~~slug~~ or 5948  
device intended to be used in a manner that violates this chapter; 5949

~~(14)~~(12) Operates a casino gaming operation in which wagering 5950  
is conducted or is to be conducted in a manner other than the 5951  
manner required under this chapter. 5952

(F) The possession of more than one of the devices described 5953  
in division (E)~~(11)~~(9), ~~(12)~~(10), or ~~(13)~~(11) of this section 5954  
creates a rebuttable presumption that the possessor intended to 5955  
use the devices for cheating. 5956

(G) A person who knowingly or intentionally does any of the 5957  
following commits a felony of the third degree. If the person is a 5958  
licensee under this chapter, the commission shall revoke the 5959  
person's license after the first offense. A public servant or 5960  
party official who is convicted under this division is forever 5961  
disqualified from holding any public office, employment, or 5962  
position of trust in this state. 5963

(1) Offers, promises, or gives anything of value or benefit 5964  
to a person who is connected with the casino operator, management 5965  
company, holding company, or gaming-related vendor, including 5966  
their officers and employees, under an agreement to influence or 5967  
with the intent to influence the actions of the person to whom the 5968  
offer, promise, or gift was made in order to affect or attempt to 5969  
affect the outcome of a casino game or an official action of a 5970  
commission member, agent, or employee; 5971

(2) Solicits, accepts, or receives a promise of anything of 5972  
value or benefit while the person is connected with a casino, 5973  
including an officer or employee of a casino operator, management 5974  
company, or gaming-related vendor, under an agreement to influence 5975

or with the intent to influence the actions of the person to 5976  
affect or attempt to affect the outcome of a casino game or an 5977  
official action of a commission member, agent, or employee; 5978

(H) A person who is convicted of a felony described in this 5979  
chapter may be barred for life from entering a casino facility by 5980  
the commission. 5981

**Sec. 4301.03.** The liquor control commission may adopt and 5982  
promulgate, repeal, rescind, and amend, in the manner required by 5983  
this section, rules, standards, requirements, and orders necessary 5984  
to carry out this chapter and Chapter 4303. of the Revised Code, 5985  
but all rules of the board of liquor control that were in effect 5986  
immediately prior to April 17, 1963, shall remain in full force 5987  
and effect as rules of the liquor control commission until and 5988  
unless amended or repealed by the liquor control commission. The 5989  
rules of the commission may include the following: 5990

(A) Rules with reference to applications for and the issuance 5991  
of permits for the manufacture, distribution, transportation, and 5992  
sale of beer and intoxicating liquor, and the sale of alcohol; and 5993  
rules governing the procedure of the division of liquor control in 5994  
the suspension, revocation, and cancellation of those permits; 5995

(B) Rules and orders providing in detail for the conduct of 5996  
any retail business authorized under permits issued pursuant to 5997  
this chapter and Chapter 4303. of the Revised Code, with a view to 5998  
ensuring compliance with those chapters and laws relative to them, 5999  
and the maintenance of public decency, sobriety, and good order in 6000  
any place licensed under the permits. No rule or order shall 6001  
prohibit the operation of video lottery terminal games at a 6002  
commercial race track where live horse racing and simulcasting are 6003  
conducted in accordance with Chapter 3769. of the Revised Code or 6004  
the sale of lottery tickets issued pursuant to Chapter 3770. of 6005  
the Revised Code by any retail business authorized under permits 6006

issued pursuant to that chapter. 6007

No rule or order shall prohibit pari-mutuel wagering on 6008  
simulcast horse races at a satellite facility that has been issued 6009  
a D liquor permit under Chapter 4303. of the Revised Code. No rule 6010  
or order shall prohibit a charitable organization that holds a D-4 6011  
permit from selling or serving beer or intoxicating liquor under 6012  
its permit in a portion of its premises merely because that 6013  
portion of its premises is used at other times for the conduct of 6014  
a bingo game, as described in division ~~(S)~~(O) of section 2915.01 6015  
of the Revised Code. However, such an organization shall not sell 6016  
or serve beer or intoxicating liquor or permit beer or 6017  
intoxicating liquor to be consumed or seen in the same location in 6018  
its premises where a bingo game, as described in division 6019  
~~(S)~~(O)(1) of section 2915.01 of the Revised Code, is being 6020  
conducted while the game is being conducted. As used in this 6021  
division, "charitable organization" has the same meaning as in 6022  
division (H) of section 2915.01 of the Revised Code. No rule or 6023  
order pertaining to visibility into the premises of a permit 6024  
holder after the legal hours of sale shall be adopted or 6025  
maintained by the commission. 6026

(C) Standards, not in conflict with those prescribed by any 6027  
law of this state or the United States, to secure the use of 6028  
proper ingredients and methods in the manufacture of beer, mixed 6029  
beverages, and wine to be sold within this state; 6030

(D) Rules determining the nature, form, and capacity of all 6031  
packages and bottles to be used for containing beer or 6032  
intoxicating liquor, except for spirituous liquor to be kept or 6033  
sold, governing the form of all seals and labels to be used on 6034  
those packages and bottles, and requiring the label on every 6035  
package, bottle, and container to state the ingredients in the 6036  
contents and, except on beer, the terms of weight, volume, or 6037  
proof spirits, and whether the same is beer, wine, alcohol, or any 6038

intoxicating liquor except for spirituous liquor; 6039

(E) Uniform rules governing all advertising with reference to 6040  
the sale of beer and intoxicating liquor throughout the state and 6041  
advertising upon and in the premises licensed for the sale of beer 6042  
or intoxicating liquor; 6043

(F) Rules restricting and placing conditions upon the 6044  
transfer of permits; 6045

(G) Rules and orders limiting the number of permits of any 6046  
class within the state or within any political subdivision of the 6047  
state; and, for that purpose, adopting reasonable classifications 6048  
of persons or establishments to which any authorized class of 6049  
permits may be issued within any political subdivision; 6050

(H) Rules and orders with reference to sales of beer and 6051  
intoxicating liquor on Sundays and holidays and with reference to 6052  
the hours of the day during which and the persons to whom 6053  
intoxicating liquor of any class may be sold, and rules with 6054  
reference to the manner of sale; 6055

(I) Rules requiring permit holders buying beer to pay and 6056  
permit holders selling beer to collect minimum cash deposits for 6057  
kegs, cases, bottles, or other returnable containers of the beer; 6058  
requiring the repayment, or credit, of the minimum cash deposit 6059  
charges upon the return of the empty containers; and requiring the 6060  
posting of such form of indemnity or such other conditions with 6061  
respect to the charging, collection, and repayment of minimum cash 6062  
deposit charges for returnable containers of beer as are necessary 6063  
to ensure the return of the empty containers or the repayment upon 6064  
that return of the minimum cash deposits paid; 6065

(J) Rules establishing the method by which alcohol products 6066  
may be imported for sale by wholesale distributors and the method 6067  
by which manufacturers and suppliers may sell alcohol products to 6068  
wholesale distributors. 6069

Every rule, standard, requirement, or order of the commission 6070  
and every repeal, amendment, or rescission of them shall be posted 6071  
for public inspection in the principal office of the commission 6072  
and the principal office of the division of liquor control, and a 6073  
certified copy of them shall be filed in the office of the 6074  
secretary of state. An order applying only to persons named in it 6075  
shall be served on the persons affected by personal delivery of a 6076  
certified copy, or by mailing a certified copy to each person 6077  
affected by it or, in the case of a corporation, to any officer or 6078  
agent of the corporation upon whom a service of summons may be 6079  
served in a civil action. The posting and filing required by this 6080  
section constitutes sufficient notice to all persons affected by 6081  
such rule or order which is not required to be served. General 6082  
rules of the commission promulgated pursuant to this section shall 6083  
be published in the manner the commission determines. 6084

**Sec. 4303.17.** (A)(1) Permit D-4 may be issued to a club that 6085  
has been in existence for three years or more prior to the 6086  
issuance of the permit to sell beer and any intoxicating liquor to 6087  
its members only, in glass or container, for consumption on the 6088  
premises where sold. The fee for this permit is four hundred 6089  
sixty-nine dollars. 6090

No D-4 permit shall be granted or retained until all elected 6091  
officers of the organization controlling the club have filed with 6092  
the division of liquor control a statement, signed under oath, 6093  
certifying that the club is operated in the interest of the 6094  
membership of a reputable organization, which is maintained by a 6095  
dues paying membership, and setting forth the amount of initiation 6096  
fee and yearly dues. 6097

The roster of membership of a D-4 permit holder shall be 6098  
submitted under oath on the request of the superintendent of 6099  
liquor control. Any information acquired by the superintendent or 6100

the division with respect to that membership shall not be open to 6101  
public inspection or examination and may be divulged by the 6102  
superintendent and the division only in hearings before the liquor 6103  
control commission or in a court action in which the division or 6104  
the superintendent is named a party. 6105

(2) The requirement that a club shall have been in existence 6106  
for three years in order to qualify for a D-4 permit does not 6107  
apply to units of organizations chartered by congress or to a 6108  
subsidiary unit of a national fraternal organization if the parent 6109  
organization has been in existence for three years or more at the 6110  
time application for a permit is made by that unit. 6111

(B) No rule or order of the division or commission shall 6112  
prohibit a charitable organization that holds a D-4 permit from 6113  
selling or serving beer or intoxicating liquor under its permit in 6114  
a portion of its premises merely because that portion of its 6115  
premises is used at other times for the conduct of a bingo game as 6116  
described in division ~~(S)~~(O)(1) of section 2915.01 of the Revised 6117  
Code. However, such an organization shall not sell or serve beer 6118  
or intoxicating liquor or permit beer or intoxicating liquor to be 6119  
consumed or seen in the same location in its premises where a 6120  
bingo game as described in division ~~(S)~~(O)(1) of section 2915.01 6121  
of the Revised Code is being conducted while the game is being 6122  
conducted. As used in this division, "charitable organization" has 6123  
the same meaning as in division (H) of section 2915.01 of the 6124  
Revised Code. 6125

(C) Notwithstanding any contrary provision of sections 6126  
4301.32 to 4301.41, division (C)(1) of section 4303.29, and 6127  
section 4305.14 of the Revised Code, the holder of a D-4 permit 6128  
may transfer the location of the permit and sell beer and wine at 6129  
the new location if that location is in an election precinct in 6130  
which the sale of beer and wine, but not spirituous liquor, 6131  
otherwise is permitted by law. 6132

Sec. 5753.01. As used in Chapter 5753. of the Revised Code 6133  
and for no other purpose under Title LVII of the Revised Code: 6134

(A) "Casino facility" has the same meaning as in section 6135  
3772.01 of the Revised Code. 6136

(B) "Casino gaming" has the same meaning as in section 6137  
3772.01 of the Revised Code. 6138

(C) "Casino operator" has the same meaning as in section 6139  
3772.01 of the Revised Code. 6140

(D) "Gross casino revenue" means the total amount of money 6141  
exchanged for the purchase of chips, tokens, tickets, electronic 6142  
cards, or similar objects by casino patrons, less winnings paid to 6143  
wagerers. "Gross casino revenue" does not include ~~the~~: 6144

(1) The issuance to casino patrons or wagering by casino 6145  
patrons of any promotional gaming credit as defined in section 6146  
3772.01 of the Revised Code. When issuance of the promotional 6147  
gaming credit requires money exchanged as a match from the patron, 6148  
the excludible portion of the promotional gaming credit does not 6149  
include the portion of the wager purchased by the patron. 6150

(2) Bad debts from receipts on the basis of which the tax 6151  
imposed by this chapter was paid in a prior tax period to the 6152  
extent not previously excluded. For the purpose of this division, 6153  
"bad debts" means any debts that have become worthless or 6154  
uncollectible in a prior tax period, have been uncollected for at 6155  
least six months, and that may be claimed as a deduction under 6156  
section 166 of the Internal Revenue Code and the regulations 6157  
adopted under that section, or that could be claimed as such if 6158  
the taxpayer kept its accounts on the accrual basis. "Bad debts" 6159  
does not include repossessed property, uncollectible amounts on 6160  
property that remains in the possession of the casino operator 6161  
until the full purchase price is paid, or expenses in attempting 6162

to collect any account receivable or for any portion of the debt 6163  
recovered. 6164

(E) "Person" has the same meaning as in section 3772.01 of 6165  
the Revised Code. 6166

(F) "Slot machine" has the same meaning as in section 3772.01 6167  
of the Revised Code. 6168

(G) "Table game" has the same meaning as in section 3772.01 6169  
of the Revised Code. 6170

(H) "Tax period" means one twenty-four-hour period with 6171  
regard to which a casino operator is required to pay the tax 6172  
levied by this chapter. 6173

**Sec. 5753.03.** (A) For the purpose of receiving and 6174  
distributing, and accounting for, revenue received from the tax 6175  
levied by section 5753.02 of the Revised Code, the following funds 6176  
are created in the state treasury: 6177

(1) The casino tax revenue fund; 6178

(2) The gross casino revenue county fund; 6179

(3) The gross casino revenue county student fund; 6180

(4) The gross casino revenue host city fund; 6181

(5) The Ohio state racing commission fund; 6182

(6) The Ohio law enforcement training fund; 6183

(7) The problem casino gambling and addictions fund; 6184

(8) The casino control commission fund; 6185

(9) The casino tax administration fund. 6186

(B) All moneys collected from the tax levied under this 6187  
chapter shall be deposited into the casino tax revenue fund. 6188

(C) From the casino tax revenue fund the director of budget 6189



and management shall transfer as needed to the tax refund fund 6190  
amounts equal to the refunds certified by the tax commissioner 6191  
under section 5753.06 of the Revised Code. 6192

(D) After making any transfers required by division (C) of 6193  
this section, but not later than the fifteenth day of the month 6194  
following the end of each calendar quarter, the director of budget 6195  
and management shall transfer amounts to each fund as follows: 6196

(1) Fifty-one per cent to the gross casino revenue county 6197  
fund to make payments as required by Section 6(C)(3)(a) of Article 6198  
XV, Ohio Constitution; 6199

(2) Thirty-four per cent to the gross casino revenue county 6200  
student fund to make payments as required by Section 6(C)(3)(b) of 6201  
Article XV, Ohio Constitution; 6202

(3) Five per cent to the gross casino revenue host city fund 6203  
for the benefit of the cities in which casino facilities are 6204  
located; 6205

(4) Three per cent to the Ohio state racing commission fund 6206  
to support horse racing in this state at which the pari-mutuel 6207  
system of wagering is conducted; 6208

(5) Two per cent to the Ohio law enforcement training fund to 6209  
support law enforcement functions in the state; 6210

(6) Two per cent to the problem casino gambling and 6211  
addictions fund to support efforts to alleviate problem gambling 6212  
and substance abuse and related research in the state; 6213

(7) Three per cent to the casino control commission fund to 6214  
support the operations of the Ohio casino control commission and 6215  
to defray the cost of administering the tax levied under section 6216  
5753.02 of the Revised Code. 6217

Payments under divisions (D)(1), (2), and (3) of this section 6218  
shall be made by the end of the month following the end of the 6219

quarterly period. The tax commissioner shall make the data 6220  
available to the director of budget and management for this 6221  
purpose. 6222

Of the money credited to the Ohio law enforcement training 6223  
fund, the director of budget and management shall distribute 6224  
eighty-five per cent of the money to the Ohio peace officer 6225  
training academy and fifteen per cent of the money to the division 6226  
of criminal justice services. 6227

(E)(1) The tax commissioner shall serve as an agent of the 6228  
counties of this state only for the purposes of this division and 6229  
solely to make payments directly to municipal corporations and 6230  
school districts, as applicable, on the counties' behalf. 6231

(2) On or before the thirtieth day of the month following the 6232  
end of each calendar quarter, the tax commissioner shall provide 6233  
for payment from the funds referenced in divisions (D)(1), (2), 6234  
and (3) of this section to each county, municipal corporation, and 6235  
school district as prescribed in those divisions. 6236

(F) A county shall allocate each payment received pursuant to 6237  
division (D)(1) of this section as follows: 6238

(1) If, on or before the effective date of the amendment of 6239  
this section by Sub. H.B. 386 of the 129th general assembly, the 6240  
board of county commissioners has entered into a contract or 6241  
similar agreement pledging any portion of the payment to a 6242  
specific entity or for a specific purpose, the county shall 6243  
allocate the amount necessary to fulfill the pledge to such entity 6244  
or for such purpose. 6245

(2) The payment amount remaining after subtraction for the 6246  
amount allocated pursuant to division (F)(1) of this section shall 6247  
be allocated as follows: 6248

(a) Fifty per cent to the general funds of the county and of 6249  
any municipal corporations or townships having territory within 6250

the county, in such proportions as are determined by the board of 6251  
county commissioners, for the support of police, fire, emergency 6252  
medical service, or other public safety services provided by those 6253  
subdivisions within the county; 6254

(b) Fifty per cent to the county's general fund or a special 6255  
fund to be used for any county purpose. 6256

(G) The director of budget and management shall transfer one 6257  
per cent of the money credited to the casino control commission 6258  
fund to the casino tax administration fund. The tax commissioner 6259  
shall use the casino tax administration fund to defray the costs 6260  
incurred in administering the tax levied by this chapter. 6261

**Section 2.** That existing sections 111.15, 122.014, 173.121, 6262  
2505.09, 2505.12, 2915.01, 2915.02, 2915.06, 2915.08, 2915.09, 6263  
2915.091, 2915.092, 2915.093, 2915.094, 2915.10, 2915.101, 6264  
2915.12, 2923.31, 2933.51, 3301.0714, 3769.08, 3769.087, 3769.089, 6265  
3770.02, 3770.03, 3770.05, 3770.07, 3770.071, 3770.21, 3772.01, 6266  
3772.03, 3772.04, 3772.091, 3772.10, 3772.13, 3772.16, 3772.17, 6267  
3772.28, 3772.99, 4301.03, 4303.17, 5753.01, and 5753.03, and 6268  
section 3772.14 of the Revised Code are hereby repealed. 6269

**Section 3.** That Section 261.20.90 of Am. Sub. H.B. 153 of the 6270  
129th General Assembly be amended to read as follows: 6271

**Sec. 261.20.90.** OHIO INCUMBENT WORKFORCE TRAINING VOUCHERS 6272

(A) On July 1, 2011, or as soon as possible thereafter, the 6273  
Director of Budget and Management shall transfer up to \$20,000,000 6274  
from the Economic Development Programs Fund (Fund 5JC0) used by 6275  
the Board of Regents to the Ohio Incumbent Workforce Job Training 6276  
Fund (Fund 5HR0) used by the Department of Development. 6277

On July 1, 2012, or as soon as possible thereafter, the 6278  
Director of Budget and Management shall transfer up to \$30,000,000 6279

from the Economic Development Programs Fund (Fund 5JC0) used by 6280  
the Board of Regents to the Ohio Incumbent Workforce Job Training 6281  
Fund (Fund 5HR0) used by the Department of Development. 6282

(B) Of the foregoing appropriation item 195526, Ohio 6283  
Workforce Job Training, up to \$20,000,000 in fiscal year 2012 and 6284  
up to \$30,000,000 in fiscal year 2013 shall be used to support the 6285  
Ohio Incumbent Workforce Training Voucher Program. Any unexpended 6286  
and unencumbered portion of the appropriation item remaining at 6287  
the end of fiscal year 2012 is hereby appropriated for the same 6288  
purpose in fiscal year 2013. The Director of Development and the 6289  
Chief Investment Officer of JobsOhio may enter into an agreement 6290  
to operate the program pursuant to the contract between the 6291  
Department of Development and JobsOhio under section 187.04 of the 6292  
Revised Code. The agreement may include a provision for granting, 6293  
loaning, or transferring funds from appropriation item 195526, 6294  
Ohio Incumbent Workforce Job Training, to JobsOhio to provide 6295  
training for incumbent workers. 6296

(C) Regardless of any agreement between the Director and the 6297  
Chief Investment Officer under division (B) of this section, the 6298  
Ohio Incumbent Workforce Training Voucher Program shall conform to 6299  
guidelines for the operation of the program, including, but not 6300  
limited to, the following: 6301

(1) A requirement that a training voucher under the program 6302  
shall not exceed \$6,000 per worker per year; 6303

(2) A provision for an employer of an eligible employee to 6304  
apply for a voucher on behalf of the eligible employee; 6305

(3) A provision for an eligible employee to apply directly 6306  
for a training voucher with the pre-approval of the employee's 6307  
employer; and 6308

(4) A requirement that an employee participating in the 6309  
program, or the employee's employer, shall pay for not less than 6310

thirty-three per cent of the training costs under the program. 6311

DEFENSE DEVELOPMENT ASSISTANCE 6312

On July 1 of each fiscal year, or as soon as possible 6313  
thereafter, the Director of Budget and Management shall transfer 6314  
\$5,000,000 in cash from the Economic Development Projects Fund 6315  
(Fund 5JC0) used by the Board of Regents to the Ohio Incumbent 6316  
Workforce Job Training Fund (Fund 5HR0) used by the Department of 6317  
Development. The transferred funds are hereby appropriated in 6318  
appropriation item 195622, Defense Development Assistance. 6319

The foregoing appropriation item 195622, Defense Development 6320  
Assistance, shall be used for economic development programs and 6321  
the creation of new jobs to leverage and support mission gains at 6322  
Department of Defense facilities in Ohio by working with future 6323  
base realignment and closure activities and ongoing Department of 6324  
Defense efficiency initiatives, assisting efforts to secure 6325  
Department of Defense support contracts for Ohio companies, 6326  
assessing and supporting regional job training and workforce 6327  
development needs generated by the Department of Defense and the 6328  
Ohio aerospace industry, and for expanding job training and 6329  
economic development programs in human performance related 6330  
initiatives. These funds shall be matched by private industry 6331  
partners or the Department of Defense in an aggregate amount of 6332  
\$6,000,000 over the FY 2012-FY 2013 biennium. 6333

**Section 4.** That existing Section 261.20.90 of Am. Sub. H.B. 6334  
153 of the 129th General Assembly is hereby repealed. 6335

**Section 5.** That Section 3 of Sub. H.B. 277 of the 129th 6336  
General Assembly be amended to read as follows: 6337

**Sec. 3.** (A) Notwithstanding sections 3769.04 and 3769.13 of 6338  
the Revised Code, for a period of two years after the effective 6339

date of this section, a permit holder who is eligible to become a video lottery sales agent may apply to the State Racing Commission to move its track to another location using the following approval procedure:

(1) The permit holder shall submit, for the consideration of the State Racing Commission in its determination on whether to approve the transfer, its proposal to the State Racing Commission and shall specify the location of the new track and the incremental economic benefits the permit holder is willing to provide to the state.

(2) The State Racing Commission shall approve or deny the transfer.

(3) The permit holder may apply to the State Lottery Commission for a video lottery sales agent license at the new track location.

(B) The State Racing Commission, subject to division (D) of this section, shall give preference to transfer proposals involving moves to locations in which neither horse-racing meetings nor casino gaming have been authorized before July 1, 2011. A permit holder that is authorized to transfer its track under this section and that is a video lottery sales agent may operate at a temporary facility at its new location while constructing or otherwise preparing its new track at that location. A permit holder that is not transferring its track and is remaining at its permitted location and that is a video lottery sales agent may operate a temporary facility at its permitted location while constructing or otherwise preparing its permanent video lottery terminal facility at its track. A temporary facility, either at a new track location or an existing track location of a track that does not transfer its track, shall meet any minimal capital investment and structure requirements

established by rule by the State Racing Commission in conjunction 6371  
with the State Lottery Commission. 6372

(C) The state may discuss and negotiate with parties 6373  
regarding the transferring of racing permits to new track 6374  
locations and may, in its discretion, enter into agreements 6375  
regarding the transfer of permits to new locations in advance of 6376  
the process set forth in this section. 6377

(D) A permit holder who is located on property owned by a 6378  
political subdivision may move its track to a new location within 6379  
twenty miles of its current location. Such a permit holder shall 6380  
not be charged any fee by the state in exchange for applying for a 6381  
move, for having its move approved, or for moving its existing 6382  
track as specified under this division. The State Racing 6383  
Commission shall give a preference greater than the preference 6384  
given under division (B) of this section to such a permit holder 6385  
as part of the approval procedure. 6386

(E) Chapter 2915. of the Revised Code does not apply to, 6387  
affect, or prohibit lotteries or video lotteries conducted under 6388  
this section and Chapter 3770. of the Revised Code. The State 6389  
Racing Commission may not adopt rules regarding the operation of 6390  
lotteries or video lotteries conducted under Chapter 3770. of the 6391  
Revised Code. 6392

(F) The State Racing Commission may adopt rules under Chapter 6393  
119. of the Revised Code to effectuate this section and to 6394  
establish fees to relocate tracks for applicants under this 6395  
section. 6396

(G) As used in this section: 6397

(1) "Permit holder" means a person that has been authorized 6398  
by the State Racing Commission to conduct one or more horse-racing 6399  
meetings under Chapter 3769. of the Revised Code. 6400

(2) "Track" means any place, track, or enclosure where a 6401

permit holder conducts live horse racing for profit at a racing 6402  
meeting. "Track" includes facilities or premises contiguous or 6403  
adjacent to those places, tracks, or enclosures. 6404

(3) "Video lottery sales agent" means a person who is a 6405  
permit holder and holds a current license issued by the State 6406  
Lottery Commission to assist the Commission in conducting video 6407  
lotteries through the use of video lottery terminals at a track. 6408

**Section 6.** That existing Section 3 of Sub. H.B. 277 of the 6409  
129th General Assembly is hereby repealed. 6410

**Section 7.** That Section 4 of Sub. H.B. 277 of the 129th 6411  
General Assembly is hereby repealed. 6412

**Section 8.** (A) The Governor is authorized to execute a deed 6413  
in the name of the state conveying to Lebanon Trotting Club, Inc., 6414  
and Miami Valley Trotting, Inc., the holders of pari-mutuel racing 6415  
permits issued by the State Racing Commission, or to their 6416  
respective successors and assigns (hereinafter collectively 6417  
referred to as the "grantee"), all of the state's right, title, 6418  
and interest in the following described real estate: 6419

Situated in Turtlecreek Township, City of Lebanon, County of 6420  
Warren, State of Ohio and being part of Warren County Parcel Nos. 6421  
11064000140 and 12363000030, which land is situated at the 6422  
northeast corner of the intersection of State Route 63 and Union 6423  
Road, and is bounded to the west by Union Road, to the south by 6424  
Route 63, and to the east by a private roadway used by the 6425  
Department of Rehabilitation and Correction for ingress and egress 6426  
from Route 63 to the Lebanon Correctional Institution's dairy 6427  
barn. The northerly boundary shall be established by a survey 6428  
designed to ensure that the land to be conveyed does not exceed 6429  
one hundred twenty acres. 6430



In preparing the deed, the Auditor of State, with the assistance of the Attorney General, may modify the foregoing description insofar as necessary to bring it into conformity with the actual bounds of the real estate being described.

(B) Consideration for conveyance of the real estate is four million five hundred thousand dollars.

(C) The net proceeds of the sale of the real estate shall be deposited in the state treasury to the credit of the Department of Rehabilitation and Correction, Fund 2000, appropriation item 501607, Ohio Penal Industries, which contains funds for expenditures on farm and agricultural uses, for which these proceeds shall be used.

(D) The grantee, following the conveyance of the real estate, and in accordance with the terms of the purchase contract, shall do all of the following:

(1) Permit the state and its successors and assigns perpetual ingress and egress rights to the culvert and roadway located along the easterly line of the real estate, which culvert and roadway are presently used by the state to access the Lebanon Correctional Institution's dairy barn. The grantee shall be responsible for all costs related to the continued maintenance of the culvert and roadway in their current condition.

(2) Create and maintain, at the grantee's sole cost, a landscape buffer zone along the perimeter of the real estate. The design, location, and materials used in the landscape buffer zone shall be approved by the state.

(3) Coordinate with the appropriate state and local authorities to improve State Route 63 with new signage and adequate turning lanes.

(E) The grantee shall not use, develop, or sell the premises such that it will interfere with the quiet enjoyment of the

neighboring state-owned land. 6462

(F) The real estate shall be sold as an entire tract and not 6463  
in parcels. 6464

(G) The grantee shall pay all costs associated with the 6465  
purchase and conveyance of the real estate, which costs shall 6466  
include, but are not limited to, the following: surveying costs; 6467  
title costs; preparation of metes and bounds property 6468  
descriptions; appraisals; environmental studies, assessments, and 6469  
remediation; and deed recordation costs. 6470

(H) The Auditor of State, with the assistance of the Attorney 6471  
General, shall prepare a deed to the real estate. The deed shall 6472  
state the consideration and the conditions. The deed shall be 6473  
executed by the Governor in the name of the state, countersigned 6474  
by the Secretary of State, sealed with the Great Seal of the 6475  
State, presented in the Office of the Auditor of State for 6476  
recording, and delivered to the grantee. The grantee shall present 6477  
the deed for recording in the Office of the Warren County 6478  
Recorder. 6479

(I) This section expires two years after its effective date. 6480

**Section 9.** (A) As used in this section: 6481

(1) "Permit holder" means a person that has been authorized 6482  
by the State Racing Commission to conduct one or more horse-racing 6483  
meetings under Chapter 3769. of the Revised Code. 6484

(2) "Track" means any place, track, or enclosure where a 6485  
permit holder conducts live horse racing for profit at a racing 6486  
meeting. "Track" includes facilities or premises contiguous or 6487  
adjacent to those places, tracks, or enclosures. 6488

(B) There is hereby created in the state treasury the 6489  
Racetrack Relocation Fund. The fund shall receive any money paid 6490  
to the state by horse-racing permit holders for the privilege to 6491

relocate to a new facility in accordance with Section 3 of Sub. 6492  
H.B. 277 of the 129th General Assembly, as amended by this act. 6493  
Upon the allocation of all the money in the fund in accordance 6494  
with this section, the fund shall cease to exist. 6495

(C) There is hereby created in the state treasury the 6496  
Racetrack Facility Community Economic Redevelopment Fund into 6497  
which shall be deposited moneys as specified by this section and 6498  
rules promulgated by the State Racing Commission. The fund shall 6499  
be used for repurposing or demolishing of an abandoned 6500  
horse-racing facility or reinvestment in the area, neighborhood, 6501  
and community near an abandoned facility. Any remaining funds 6502  
shall be transferred to the General Revenue Fund. Upon the 6503  
allocation of all the money in the fund in accordance with this 6504  
section, the fund shall cease to exist. 6505

(D) The Director of Development or any successor department 6506  
or agency shall oversee and administer the Racetrack Facility 6507  
Community Economic Redevelopment Fund for the purpose of the 6508  
repurposing or demolishing of an abandoned horse-racing facility 6509  
or reinvestment in the area, neighborhood, and community near an 6510  
abandoned facility through loans and grants. The Director shall 6511  
provide guidelines for racetrack facility community economic 6512  
development projects in the state. Projects may include, but are 6513  
not limited to, site planning, site certification, structure 6514  
demolition, physical site redevelopment, relocation of utilities, 6515  
or construction. Projects shall not incorporate acquisition and 6516  
related expense. Moneys in the fund may be used to pay reasonable 6517  
costs incurred by the Director in administering this section. 6518

(E) The moneys in the Racetrack Relocation Fund shall be 6519  
allocated to the following funds in the following amounts: 6520

(1) Five hundred thousand dollars to the Problem Casino 6521  
Gambling and Addictions Fund described in Section 6(C)(3)(g) of 6522  
Article XV, Ohio Constitution, to be used for research and data 6523

collection on gambling addiction issues; 6524

(2) Not more than three million dollars to the previous 6525  
community of each moved track, which shall be deposited in the 6526  
Racetrack Facility Community Economic Redevelopment Fund; 6527

(3) The remainder to the General Revenue Fund. 6528

(F) Communities whose permit holders did not pay to move its 6529  
track to a new location are not eligible for funds in the 6530  
Racetrack Facility Community Economic Redevelopment Fund. 6531

**Section 10.** Except as otherwise provided in this act, all 6532  
appropriation items in this act are appropriated out of any moneys 6533  
in the state treasury to the credit of the designated fund that 6534  
are not otherwise appropriated. For all appropriations made in 6535  
this act, the amounts in the first column are for fiscal year 2012 6536  
and the amounts in the second column are for fiscal year 2013. 6537

DEV DEPARTMENT OF DEVELOPMENT 6538

XXXX 195XXX	Racetrack Facility	\$	12,000,000	\$	0	6539
	Community Economic					
	Redevelopment Fund					

The foregoing appropriation item 195XXX, Racetrack Facility 6540  
Community Economic Redevelopment Fund, shall be used for the 6541  
purpose of the repurposing or demolishing of an abandoned 6542  
horse-racing facility or reinvestment in the area, neighborhood, 6543  
and community near an abandoned facility. Any unexpended and 6544  
unencumbered portion of this appropriation item at the end of 6545  
fiscal year 2012 is hereby reappropriated for the same purpose in 6546  
fiscal year 2013. Revenue in the fund may be used to pay 6547  
reasonable costs incurred by the Director of Development in 6548  
administering the program. 6549

**Section 11.** Notwithstanding any provision in law to the 6550  
contrary, the Director of Alcohol and Drug Addiction Services 6551

shall complete a study to identify the current status of gaming 6552  
addiction problems within the state. In fiscal year 2013, the 6553  
Director may certify to the Director of Budget and Management the 6554  
cost, not exceeding two hundred fifty thousand dollars, incurred 6555  
by the Department of Alcohol and Drug Addiction Services in 6556  
conducting the gaming addiction study. In response to receiving 6557  
this certification, the Director of Budget and Management may 6558  
transfer the cost of the study in cash to the Problem Casino and 6559  
Gambling Addictions Fund (Fund 5JL0) to reimburse the fund for 6560  
costs incurred in conducting the study. 6561

**Section 12.** The items of law contained in this act, and their 6562  
applications, are severable. If any item of law contained in this 6563  
act, or if any application of any item of law contained in this 6564  
act, is held invalid, the invalidity does not affect other items 6565  
of law contained in this act and their applications that can be 6566  
given effect without the invalid item of law or application. 6567

**Section 13.** The amendment by this act of sections 3770.02 and 6568  
5753.03 of the Revised Code are an emergency measure necessary for 6569  
the immediate preservation of the public peace, health, and 6570  
safety. The reason for such necessity is the importance of not 6571  
delaying licensing procedures and money distribution. Therefore, 6572  
the amendment by this act of sections 3770.02 and 5753.03 of the 6573  
Revised Code goes into immediate effect. 6574