

As Introduced

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

S. B. No. 317

Senator Schiavoni

—

A BILL

To amend sections 2915.01, 2915.03, 3772.01, 3772.03, 1
3772.032, 3772.033, 3772.04, 3772.06, 3772.07, 2
3772.09, 3772.10, 3772.17, 3772.21, 3772.23, 3
3772.24, 3772.30, 3772.31, and 3772.99 and to 4
enact sections 2915.062, 3772.071, 3772.301, 5
3772.35, and 3772.36 of the Revised Code to 6
provide for the licensing and regulation of 7
sweepstakes terminal device operators, vendors, 8
and key employees. 9

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

Section 1. That sections 2915.01, 2915.03, 3772.01, 3772.03, 10
3772.032, 3772.033, 3772.04, 3772.06, 3772.07, 3772.09, 3772.10, 11
3772.17, 3772.21, 3772.23, 3772.24, 3772.30, 3772.31, and 3772.99 12
be amended and sections 2915.062, 3772.071, 3772.301, 3772.35, and 13
3772.36 of the Revised Code be enacted to read as follows: 14

Sec. 2915.01. As used in this chapter: 15

(A) "Bookmaking" means the business of receiving or paying 16
off bets. 17

(B) "Bet" means the hazarding of anything of value upon the 18
result of an event, undertaking, or contingency, but does not 19
include a bona fide business risk. 20

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(H) Except as otherwise provided in this chapter, "charitable 62
organization" means any tax exempt religious, educational, 63
veteran's, fraternal, sporting, service, nonprofit medical, 64
volunteer rescue service, volunteer firefighter's, senior 65
citizen's, historic railroad educational, youth athletic, amateur 66
athletic, or youth athletic park organization. An organization is 67
tax exempt if the organization is, and has received from the 68
internal revenue service a determination letter that currently is 69
in effect stating that the organization is, exempt from federal 70
income taxation under subsection 501(a) and described in 71
subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10), or 72
501(c)(19) of the Internal Revenue Code, or if the organization is 73
a sporting organization that is exempt from federal income 74
taxation under subsection 501(a) and is described in subsection 75
501(c)(7) of the Internal Revenue Code. To qualify as a charitable 76
organization, an organization, except a volunteer rescue service 77
or volunteer firefighter's organization, shall have been in 78
continuous existence as such in this state for a period of two 79
years immediately preceding either the making of an application 80
for a bingo license under section 2915.08 of the Revised Code or 81
the conducting of any game of chance as provided in division (D) 82

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

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

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

(K) "Veteran's organization" means any individual post or 102
state headquarters of a national veteran's association or an 103
auxiliary unit of any individual post of a national veteran's 104
association, which post, state headquarters, or auxiliary unit is 105
incorporated as a nonprofit corporation and either has received a 106
letter from the state headquarters of the national veteran's 107
association indicating that the individual post or auxiliary unit 108
is in good standing with the national veteran's association or has 109
received a letter from the national veteran's association 110
indicating that the state headquarters is in good standing with 111
the national veteran's association. As used in this division, 112
"national veteran's association" means any veteran's association 113
that has been in continuous existence as such for a period of at 114

least five years and either is incorporated by an act of the 115
United States congress or has a national dues-paying membership of 116
at least five thousand persons. 117

(L) "Volunteer firefighter's organization" means any 118
organization of volunteer firefighters, as defined in section 119
146.01 of the Revised Code, that is organized and operated 120
exclusively to provide financial support for a volunteer fire 121
department or a volunteer fire company and that is recognized or 122
ratified by a county, municipal corporation, or township. 123

(M) "Fraternal organization" means any society, order, state 124
headquarters, or association within this state, except a college 125
or high school fraternity, that is not organized for profit, that 126
is a branch, lodge, or chapter of a national or state 127
organization, that exists exclusively for the common business or 128
sodality of its members. 129

(N) "Volunteer rescue service organization" means any 130
organization of volunteers organized to function as an emergency 131
medical service organization, as defined in section 4765.01 of the 132
Revised Code. 133

(O) "Service organization" means either of the following: 134

(1) Any organization, not organized for profit, that is 135
organized and operated exclusively to provide, or to contribute to 136
the support of organizations or institutions organized and 137
operated exclusively to provide, medical and therapeutic services 138
for persons who are crippled, born with birth defects, or have any 139
other mental or physical defect or those organized and operated 140
exclusively to protect, or to contribute to the support of 141
organizations or institutions organized and operated exclusively 142
to protect, animals from inhumane treatment or provide immediate 143
shelter to victims of domestic violence; 144

(2) Any organization that is described in subsection 145

509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 146
and is either a governmental unit or an organization that is tax 147
exempt under subsection 501(a) and described in subsection 148
501(c)(3) of the Internal Revenue Code and that is an 149
organization, not organized for profit, that is organized and 150
operated primarily to provide, or to contribute to the support of 151
organizations or institutions organized and operated primarily to 152
provide, medical and therapeutic services for persons who are 153
crippled, born with birth defects, or have any other mental or 154
physical defect. 155

(P) "Nonprofit medical organization" means either of the 156
following: 157

(1) Any organization that has been incorporated as a 158
nonprofit corporation for at least five years and that has 159
continuously operated and will be operated exclusively to provide, 160
or to contribute to the support of organizations or institutions 161
organized and operated exclusively to provide, hospital, medical, 162
research, or therapeutic services for the public; 163

(2) Any organization that is described and qualified under 164
subsection 501(c)(3) of the Internal Revenue Code, that has been 165
incorporated as a nonprofit corporation for at least five years, 166
and that has continuously operated and will be operated primarily 167
to provide, or to contribute to the support of organizations or 168
institutions organized and operated primarily to provide, 169
hospital, medical, research, or therapeutic services for the 170
public. 171

(Q) "Senior citizen's organization" means any private 172
organization, not organized for profit, that is organized and 173
operated exclusively to provide recreational or social services 174
for persons who are fifty-five years of age or older and that is 175
described and qualified under subsection 501(c)(3) of the Internal 176
Revenue Code. 177

(R) "Charitable bingo game" means any bingo game described in 178
division (S)(1) or (2) of this section that is conducted by a 179
charitable organization that has obtained a license pursuant to 180
section 2915.08 of the Revised Code and the proceeds of which are 181
used for a charitable purpose. 182

(S) "Bingo" means either of the following: 183

(1) A game with all of the following characteristics: 184

(a) The participants use bingo cards or sheets, including 185
paper formats and electronic representation or image formats, that 186
are divided into twenty-five spaces arranged in five horizontal 187
and five vertical rows of spaces, with each space, except the 188
central space, being designated by a combination of a letter and a 189
number and with the central space being designated as a free 190
space. 191

(b) The participants cover the spaces on the bingo cards or 192
sheets that correspond to combinations of letters and numbers that 193
are announced by a bingo game operator. 194

(c) A bingo game operator announces combinations of letters 195
and numbers that appear on objects that a bingo game operator 196
selects by chance, either manually or mechanically, from a 197
receptacle that contains seventy-five objects at the beginning of 198
each game, each object marked by a different combination of a 199
letter and a number that corresponds to one of the seventy-five 200
possible combinations of a letter and a number that can appear on 201
the bingo cards or sheets. 202

(d) The winner of the bingo game includes any participant who 203
properly announces during the interval between the announcements 204
of letters and numbers as described in division (S)(1)(c) of this 205
section, that a predetermined and preannounced pattern of spaces 206
has been covered on a bingo card or sheet being used by the 207
participant. 208

(2) Instant bingo, punch boards, and raffles.	209
(T) "Conduct" means to back, promote, organize, manage, carry on, sponsor, or prepare for the operation of bingo or a game of chance.	210 211 212
(U) "Bingo game operator" means any person, except security personnel, who performs work or labor at the site of bingo, including, but not limited to, collecting money from participants, handing out bingo cards or sheets or objects to cover spaces on bingo cards or sheets, selecting from a receptacle the objects that contain the combination of letters and numbers that appear on bingo cards or sheets, calling out the combinations of letters and numbers, distributing prizes, selling or redeeming instant bingo tickets or cards, supervising the operation of a punch board, selling raffle tickets, selecting raffle tickets from a receptacle and announcing the winning numbers in a raffle, and preparing, selling, and serving food or beverages.	213 214 215 216 217 218 219 220 221 222 223 224
(V) "Participant" means any person who plays bingo.	225
(W) "Bingo session" means a period that includes both of the following:	226 227
(1) Not to exceed five continuous hours for the conduct of one or more games described in division (S)(1) of this section, instant bingo, and seal cards;	228 229 230
(2) A period for the conduct of instant bingo and seal cards for not more than two hours before and not more than two hours after the period described in division (W)(1) of this section.	231 232 233
(X) "Gross receipts" means all money or assets, including admission fees, that a person receives from bingo without the deduction of any amounts for prizes paid out or for the expenses of conducting bingo. "Gross receipts" does not include any money directly taken in from the sale of food or beverages by a charitable organization conducting bingo, or by a bona fide	234 235 236 237 238 239

auxiliary unit or society of a charitable organization conducting 240
bingo, provided all of the following apply: 241

(1) The auxiliary unit or society has been in existence as a 242
bona fide auxiliary unit or society of the charitable organization 243
for at least two years prior to conducting bingo. 244

(2) The person who purchases the food or beverage receives 245
nothing of value except the food or beverage and items customarily 246
received with the purchase of that food or beverage. 247

(3) The food and beverages are sold at customary and 248
reasonable prices. 249

(Y) "Security personnel" includes any person who either is a 250
sheriff, deputy sheriff, marshal, deputy marshal, township 251
constable, or member of an organized police department of a 252
municipal corporation or has successfully completed a peace 253
officer's training course pursuant to sections 109.71 to 109.79 of 254
the Revised Code and who is hired to provide security for the 255
premises on which bingo is conducted. 256

(Z) "Charitable purpose" means that the net profit of bingo, 257
other than instant bingo, is used by, or is given, donated, or 258
otherwise transferred to, any of the following: 259

(1) Any organization that is described in subsection 260
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 261
and is either a governmental unit or an organization that is tax 262
exempt under subsection 501(a) and described in subsection 263
501(c)(3) of the Internal Revenue Code; 264

(2) A veteran's organization that is a post, chapter, or 265
organization of veterans, or an auxiliary unit or society of, or a 266
trust or foundation for, any such post, chapter, or organization 267
organized in the United States or any of its possessions, at least 268
seventy-five per cent of the members of which are veterans and 269
substantially all of the other members of which are individuals 270

who are spouses, widows, or widowers of veterans, or such 271
individuals, provided that no part of the net earnings of such 272
post, chapter, or organization inures to the benefit of any 273
private shareholder or individual, and further provided that the 274
net profit is used by the post, chapter, or organization for the 275
charitable purposes set forth in division (B)(12) of section 276
5739.02 of the Revised Code, is used for awarding scholarships to 277
or for attendance at an institution mentioned in division (B)(12) 278
of section 5739.02 of the Revised Code, is donated to a 279
governmental agency, or is used for nonprofit youth activities, 280
the purchase of United States or Ohio flags that are donated to 281
schools, youth groups, or other bona fide nonprofit organizations, 282
promotion of patriotism, or disaster relief; 283

(3) A fraternal organization that has been in continuous 284
existence in this state for fifteen years and that uses the net 285
profit exclusively for religious, charitable, scientific, 286
literary, or educational purposes, or for the prevention of 287
cruelty to children or animals, if contributions for such use 288
would qualify as a deductible charitable contribution under 289
subsection 170 of the Internal Revenue Code; 290

(4) A volunteer firefighter's organization that uses the net 291
profit for the purposes set forth in division (L) of this section. 292

(AA) "Internal Revenue Code" means the "Internal Revenue Code 293
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 294
amended. 295

(BB) "Youth athletic organization" means any organization, 296
not organized for profit, that is organized and operated 297
exclusively to provide financial support to, or to operate, 298
athletic activities for persons who are twenty-one years of age or 299
younger by means of sponsoring, organizing, operating, or 300
contributing to the support of an athletic team, club, league, or 301
association. 302

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

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

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

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

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

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

(EE) "Bingo supplies" means bingo cards or sheets; instant bingo tickets or cards; electronic bingo aids; raffle tickets; punch boards; seal cards; instant bingo ticket dispensers; and devices for selecting or displaying the combination of bingo letters and numbers or raffle tickets. Items that are "bingo supplies" are not gambling devices if sold or otherwise provided,

and used, in accordance with this chapter. For purposes of this 334
chapter, "bingo supplies" are not to be considered equipment used 335
to conduct a bingo game. 336

(FF) "Instant bingo" means a form of bingo that uses folded 337
or banded tickets or paper cards with perforated break-open tabs, 338
a face of which is covered or otherwise hidden from view to 339
conceal a number, letter, or symbol, or set of numbers, letters, 340
or symbols, some of which have been designated in advance as prize 341
winners. "Instant bingo" includes seal cards. "Instant bingo" does 342
not include any device that is activated by the insertion of a 343
coin, currency, token, or an equivalent, and that contains as one 344
of its components a video display monitor that is capable of 345
displaying numbers, letters, symbols, or characters in winning or 346
losing combinations. 347

(GG) "Seal card" means a form of instant bingo that uses 348
instant bingo tickets in conjunction with a board or placard that 349
contains one or more seals that, when removed or opened, reveal 350
predesignated winning numbers, letters, or symbols. 351

(HH) "Raffle" means a form of bingo in which the one or more 352
prizes are won by one or more persons who have purchased a raffle 353
ticket. The one or more winners of the raffle are determined by 354
drawing a ticket stub or other detachable section from a 355
receptacle containing ticket stubs or detachable sections 356
corresponding to all tickets sold for the raffle. "Raffle" does 357
not include the drawing of a ticket stub or other detachable 358
section of a ticket purchased to attend a professional sporting 359
event if both of the following apply: 360

(1) The ticket stub or other detachable section is used to 361
select the winner of a free prize given away at the professional 362
sporting event; and 363

(2) The cost of the ticket is the same as the cost of a 364

ticket to the professional sporting event on days when no free prize is given away.

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

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

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

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

(1) The purchase or lease of bingo supplies;

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

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

(4) Audits and accounting services;

(5) Safes;

(6) Cash registers;

(7) Hiring security personnel;

(8) Advertising bingo;

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

(10) Tables and chairs;

(11) Expenses for maintaining and operating a charitable organization's facilities, including, but not limited to, a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen;	393 394 395 396
(12) Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;	397 398
(13) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the attorney general under division (B)(1) of section 2915.08 of the Revised Code.	399 400 401 402
(MM) "Person" has the same meaning as in section 1.59 of the Revised Code and includes any firm or any other legal entity, however organized.	403 404 405
(NN) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.	406 407 408 409
(OO) "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.	410 411 412 413
(PP) "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following:	414 415
(1) Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this state;	416 417 418
(2) Modifies, converts, adds to, or removes parts from the bingo supplies to further their promotion or sale for use in this state.	419 420 421
(QQ) "Manufacturer" means any person who assembles completed	422

bingo supplies from raw materials, other items, or subparts or who 423
modifies, converts, adds to, or removes parts from bingo supplies 424
to further their promotion or sale. 425

(RR) "Gross annual revenues" means the annual gross receipts 426
derived from the conduct of bingo described in division (S)(1) of 427
this section plus the annual net profit derived from the conduct 428
of bingo described in division (S)(2) of this section. 429

(SS) "Instant bingo ticket dispenser" means a mechanical 430
device that dispenses an instant bingo ticket or card as the sole 431
item of value dispensed and that has the following 432
characteristics: 433

(1) It is activated upon the insertion of United States 434
currency. 435

(2) It performs no gaming functions. 436

(3) It does not contain a video display monitor or generate 437
noise. 438

(4) It is not capable of displaying any numbers, letters, 439
symbols, or characters in winning or losing combinations. 440

(5) It does not simulate or display rolling or spinning 441
reels. 442

(6) It is incapable of determining whether a dispensed bingo 443
ticket or card is a winning or nonwinning ticket or card and 444
requires a winning ticket or card to be paid by a bingo game 445
operator. 446

(7) It may provide accounting and security features to aid in 447
accounting for the instant bingo tickets or cards it dispenses. 448

(8) It is not part of an electronic network and is not 449
interactive. 450

(TT)(1) "Electronic bingo aid" means an electronic device 451
used by a participant to monitor bingo cards or sheets purchased 452

at the time and place of a bingo session and that does all of the 453
following: 454

(a) It provides a means for a participant to input numbers 455
and letters announced by a bingo caller. 456

(b) It compares the numbers and letters entered by the 457
participant to the bingo faces previously stored in the memory of 458
the device. 459

(c) It identifies a winning bingo pattern. 460

(2) "Electronic bingo aid" does not include any device into 461
which a coin, currency, token, or an equivalent is inserted to 462
activate play. 463

(UU) "Deal of instant bingo tickets" means a single game of 464
instant bingo tickets all with the same serial number. 465

(VV)(1) "Slot machine" means either of the following: 466

(a) Any mechanical, electronic, video, or digital device that 467
is capable of accepting anything of value, directly or indirectly, 468
from or on behalf of a player who gives the thing of value in the 469
hope of gain; 470

(b) Any mechanical, electronic, video, or digital device that 471
is capable of accepting anything of value, directly or indirectly, 472
from or on behalf of a player to conduct bingo or a scheme or game 473
of chance. 474

(2) "Slot machine" does not include a skill-based amusement 475
machine or an instant bingo ticket dispenser. 476

(WW) "Net profit from the proceeds of the sale of instant 477
bingo" means gross profit minus the ordinary, necessary, and 478
reasonable expense expended for the purchase of instant bingo 479
supplies. 480

(XX) "Charitable instant bingo organization" means an 481
organization that is exempt from federal income taxation under 482

subsection 501(a) and described in subsection 501(c)(3) of the 483
Internal Revenue Code and is a charitable organization as defined 484
in this section. A "charitable instant bingo organization" does 485
not include a charitable organization that is exempt from federal 486
income taxation under subsection 501(a) and described in 487
subsection 501(c)(3) of the Internal Revenue Code and that is 488
created by a veteran's organization, a fraternal organization, or 489
a sporting organization in regards to bingo conducted or assisted 490
by a veteran's organization, a fraternal organization, or a 491
sporting organization pursuant to section 2915.13 of the Revised 492
Code. 493

(YY) "Game flare" means the board or placard that accompanies 494
each deal of instant bingo tickets and that has printed on or 495
affixed to it the following information for the game: 496

(1) The name of the game; 497

(2) The manufacturer's name or distinctive logo; 498

(3) The form number; 499

(4) The ticket count; 500

(5) The prize structure, including the number of winning 501
instant bingo tickets by denomination and the respective winning 502
symbol or number combinations for the winning instant bingo 503
tickets; 504

(6) The cost per play; 505

(7) The serial number of the game. 506

(ZZ) "Historic railroad educational organization" means an 507
organization that is exempt from federal income taxation under 508
subsection 501(a) and described in subsection 501(c)(3) of the 509
Internal Revenue Code, that owns in fee simple the tracks and the 510
right-of-way of a historic railroad that the organization restores 511
or maintains and on which the organization provides excursions as 512

part of a program to promote tourism and educate visitors 513
regarding the role of railroad transportation in Ohio history, and 514
that received as donations from a charitable organization that 515
holds a license to conduct bingo under this chapter an amount 516
equal to at least fifty per cent of that licensed charitable 517
organization's net proceeds from the conduct of bingo during each 518
of the five years preceding June 30, 2003. "Historic railroad" 519
means all or a portion of the tracks and right-of-way of a 520
railroad that was owned and operated by a for-profit common 521
carrier in this state at any time prior to January 1, 1950. 522

(AAA)(1) "Skill-based amusement machine" means a mechanical, 523
video, digital, or electronic device that rewards the player or 524
players, if at all, only with merchandise prizes or with 525
redeemable vouchers redeemable only for merchandise prizes, 526
provided that with respect to rewards for playing the game all of 527
the following apply: 528

(a) The wholesale value of a merchandise prize awarded as a 529
result of the single play of a machine does not exceed ten 530
dollars; 531

(b) Redeemable vouchers awarded for any single play of a 532
machine are not redeemable for a merchandise prize with a 533
wholesale value of more than ten dollars; 534

(c) Redeemable vouchers are not redeemable for a merchandise 535
prize that has a wholesale value of more than ten dollars times 536
the fewest number of single plays necessary to accrue the 537
redeemable vouchers required to obtain that prize; and 538

(d) Any redeemable vouchers or merchandise prizes are 539
distributed at the site of the skill-based amusement machine at 540
the time of play. 541

A card for the purchase of gasoline is a redeemable voucher 542
for purposes of division (AAA)(1) of this section even if the 543

skill-based amusement machine for the play of which the card is 544
awarded is located at a place where gasoline may not be legally 545
distributed to the public or the card is not redeemable at the 546
location of, or at the time of playing, the skill-based amusement 547
machine. 548

(2) A device shall not be considered a skill-based amusement 549
machine and shall be considered a slot machine if it pays cash or 550
one or more of the following apply: 551

(a) The ability of a player to succeed at the game is 552
impacted by the number or ratio of prior wins to prior losses of 553
players playing the game. 554

(b) Any reward of redeemable vouchers is not based solely on 555
the player achieving the object of the game or the player's score; 556

(c) The outcome of the game, or the value of the redeemable 557
voucher or merchandise prize awarded for winning the game, can be 558
controlled by a source other than any player playing the game. 559

(d) The success of any player is or may be determined by a 560
chance event that cannot be altered by player actions. 561

(e) The ability of any player to succeed at the game is 562
determined by game features not visible or known to the player. 563

(f) The ability of the player to succeed at the game is 564
impacted by the exercise of a skill that no reasonable player 565
could exercise. 566

(3) All of the following apply to any machine that is 567
operated as described in division (AAA)(1) of this section: 568

(a) As used in this section, "game" and "play" mean one event 569
from the initial activation of the machine until the results of 570
play are determined without payment of additional consideration. 571
An individual utilizing a machine that involves a single game, 572
play, contest, competition, or tournament may be awarded 573

redeemable vouchers or merchandise prizes based on the results of 574
play. 575

(b) Advance play for a single game, play, contest, 576
competition, or tournament participation may be purchased. The 577
cost of the contest, competition, or tournament participation may 578
be greater than a single noncontest, competition, or tournament 579
play. 580

(c) To the extent that the machine is used in a contest, 581
competition, or tournament, that contest, competition, or 582
tournament has a defined starting and ending date and is open to 583
participants in competition for scoring and ranking results toward 584
the awarding of redeemable vouchers or merchandise prizes that are 585
stated prior to the start of the contest, competition, or 586
tournament. 587

(4) For purposes of division (AAA)(1) of this section, the 588
mere presence of a device, such as a pin-setting, ball-releasing, 589
or scoring mechanism, that does not contribute to or affect the 590
outcome of the play of the game does not make the device a 591
skill-based amusement machine. 592

(BBB) "Merchandise prize" means any item of value, but shall 593
not include any of the following: 594

(1) Cash, gift cards, or any equivalent thereof; 595

(2) Plays on games of chance, state lottery tickets, bingo, 596
or instant bingo; 597

(3) Firearms, tobacco, or alcoholic beverages; or 598

(4) A redeemable voucher that is redeemable for any of the 599
items listed in division (BBB)(1), (2), or (3) of this section. 600

(CCC) "Redeemable voucher" means any ticket, token, coupon, 601
receipt, or other noncash representation of value. 602

(DDD) "Pool not conducted for profit" means a scheme in which 603

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

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

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

(GGG) "Sweepstakes" means any game, contest, advertising scheme or plan, or other promotion, but does not include bingo, or games or lotteries conducted by the state lottery commission, in which consideration is not required for a person to enter to win or to become eligible to receive any prize, the determination of which is based upon chance.

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

(a) The device is server-based.

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

(c) The device utilizes software such that the simulated game influences or determines the winning of or value of the prize. 635
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(d) The device selects prizes from a predetermined finite pool of entries. 637
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(e) The device utilizes a mechanism that reveals the content of a predetermined sweepstakes entry. 639
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(f) The device predetermines the prize results and stores those results for delivery at the time the sweepstakes entry results are revealed. 641
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(g) The device utilizes software to create a game result. 644

(h) The device requires deposit of any money, coin, or token, or the use of any credit card, debit card, prepaid card, or any other method of payment to activate the electronic machine or device. 645
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(i) The device requires direct payment into the device, or remote activation of the device. 649
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(j) The device reveals the prize incrementally, even though the device does not influence the awarding of a prize or the value of any prize awarded. 651
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(k) The device determines and associates the prize with an entry or entries at the time the sweepstakes is entered. 654
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(l) The device is a slot machine or other form of electrical, mechanical, or computer game. 656
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(2) As used in division (HHH) of this section: 658

(a) "Enter" means the purchase of a tangible product by which a person becomes eligible to receive any prize offered in a sweepstakes. 659
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(b) "Entry" means one event from the initial activation of the sweepstakes terminal device until all sweepstakes prize 662
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results from that activation are revealed. 664

(c) "Prize" means any gift, award, gratuity, good, service, credit, reward, or any other thing of value that may be transferred to a person, whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize. 665
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Sec. 2915.03. (A) No person, being the owner or lessee, or having custody, control, or supervision of premises, shall: 670
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(1) Use or occupy such premises ~~for gambling~~ in violation of section 2915.02 or 2915.062 of the Revised Code; 672
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(2) Recklessly permit such premises to be used or occupied ~~for gambling~~ in violation of section 2915.02 or 2915.062 of the Revised Code. 674
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(B) Whoever violates this section is guilty of operating a gambling house, a misdemeanor of the first degree. If the offender previously has been convicted of a gambling offense, operating a gambling house is a felony of the fifth degree. 677
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(C) Premises used or occupied in violation of this section constitute a nuisance subject to abatement pursuant to sections 3767.01 to 3767.99 of the Revised Code. 681
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Sec. 2915.062. (A) As used in this section, "entry" and "prize" have the meanings defined in division (HHH)(2) of section 2915.01 of the Revised Code. 684
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(B) No person conducting a sweepstakes with the use of a sweepstakes terminal device, including the entry of a sweepstakes or the reveal of a prize, shall do any of the following: 687
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(1) Give to another person plays on games of chance, state lottery tickets, bingo, or instant bingo, or firearms, tobacco, or alcoholic beverages, or a redeemable voucher for any of those 690
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items as a prize for playing or participating in a sweepstakes; 693

(2) Conduct a sweepstakes through the use of a sweepstakes terminal device without first obtaining all required licenses and certifications under Chapter 3772. of the Revised Code; 694
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(3) Fail to display all required licenses and certifications conspicuously at any location where sweepstakes terminal device gaming is conducted or, as applicable, on the sweepstakes terminal device. 697
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(C) No person shall conduct a sweepstakes with the use of a sweepstakes terminal device, or supply a sweepstakes terminal device or related equipment, goods, or services to any person for use at a sweepstakes terminal device facility, within the boundaries of a municipal corporation or township the legislative authority of which has not adopted an ordinance or resolution affirmatively allowing the operation of sweepstakes terminal devices in its jurisdiction. 701
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(D) Whoever violates division (B)(1) of this section is guilty of sweepstakes prohibited conduct. A violation of division (B)(1) of this section is a misdemeanor of the first degree for each redemption of a prize that is involved in the violation. If the offender previously has been convicted of a violation of division (B)(1) of this section, a violation of that division is a felony of the fifth degree for each redemption of a prize that is involved in the violation. The maximum fine authorized to be imposed for a felony of the fifth degree shall be imposed upon the offender. 709
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(E) Whoever violates division (B)(2) or (3) or division (C) of this section is guilty of conducting an illegal sweepstakes, a felony of the fourth degree. 719
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Sec. 3772.01. As used in this chapter: 722

(A) "Applicant" means any person who applies to the 723
commission for a license under this chapter. 724

(B) "Casino control commission fund" means the casino control 725
commission fund described in Section 6(C)(3)(d) of Article XV, 726
Ohio Constitution, the money in which shall be used to fund the 727
commission and its related affairs. 728

(C) "Casino facility" means a casino facility as defined in 729
Section 6(C)(9) of Article XV, Ohio Constitution. 730

(D) "Casino gaming" means any type of slot machine or table 731
game wagering, using money, casino credit, or any representative 732
of value, authorized in any of the states of Indiana, Michigan, 733
Pennsylvania, and West Virginia as of January 1, 2009, and 734
includes slot machine and table game wagering subsequently 735
authorized by, but shall not be limited by, subsequent 736
restrictions placed on such wagering in such states. "Casino 737
gaming" does not include bingo, as authorized in Section 6 of 738
Article XV, Ohio Constitution and conducted as of January 1, 2009, 739
or horse racing where the pari-mutuel system of wagering is 740
conducted, as authorized under the laws of this state as of 741
January 1, 2009. 742

(E) "Casino gaming employee" means any employee of a casino 743
operator or management company, but not a key employee, and as 744
further defined in section 3772.131 of the Revised Code. 745

(F) "Casino operator" means any person, trust, corporation, 746
partnership, limited partnership, association, limited liability 747
company, or other business enterprise that directly or indirectly 748
holds an ownership or leasehold interest in a casino facility. 749
"Casino operator" does not include an agency of the state, any 750
political subdivision of the state, any person, trust, 751
corporation, partnership, limited partnership, association, 752
limited liability company, or other business enterprise that may 753

have an interest in a casino facility, but who is legally or 754
contractually restricted from conducting casino gaming. 755

(G) "Central system" means a computer system that provides 756
the following functions related to casino gaming equipment and 757
sweepstakes terminal devices used in connection with casino gaming 758
and sweepstakes terminal device gaming authorized under this 759
chapter: security, auditing, data and information retrieval, and 760
other purposes deemed necessary and authorized by the commission. 761

(H) "Commission" means the Ohio casino control commission. 762

(I) "Gaming agent" means a peace officer employed by the 763
commission that is vested with duties to enforce this chapter and 764
conduct other investigations into the conduct of ~~the~~ casino gaming 765
and sweepstakes terminal device gaming and the maintenance of the 766
equipment that the commission considers necessary and proper and 767
is in compliance with section 109.77 of the Revised Code. 768

(J) "Gaming-related vendor" means any individual, 769
partnership, corporation, association, trust, or any other group 770
of individuals, however organized, who supplies gaming-related 771
equipment, goods, or services to a casino operator or management 772
company, that are directly related to or affect casino gaming 773
authorized under this chapter, including, but not limited to, the 774
manufacture, sale, distribution, or repair of slot machines and 775
table game equipment. 776

(K) "Holding company" means any corporation, firm, 777
partnership, limited partnership, limited liability company, 778
trust, or other form of business organization not a natural person 779
~~which~~ that directly or indirectly owns, has the power or right to 780
control, or holds with power to vote, any part of ~~an applicant,~~ a 781
casino operator, management company, ~~or~~ gaming-related vendor, 782
sweepstakes terminal device operator, or sweepstakes terminal 783
device vendor license applicant or licensee. 784

(L) "Initial investment" includes costs related to 785
demolition, engineering, architecture, design, site preparation, 786
construction, infrastructure improvements, land acquisition, 787
fixtures and equipment, insurance related to construction, and 788
leasehold improvements. 789

(M) "Institutional investor" means any of the following 790
entities owning one per cent or less, or a percentage between one 791
and ten per cent as approved by the commission through a waiver on 792
a case-by-case basis, ownership interest in a casino facility, 793
casino operator, management company, or holding company: a 794
corporation, bank, insurance company, pension fund or pension fund 795
trust, retirement fund, including funds administered by a public 796
agency, employees' profit-sharing fund or employees' 797
profit-sharing trust, any association engaged, as a substantial 798
part of its business or operations, in purchasing or holding 799
securities, or any trust in respect of which a bank is trustee or 800
cotrustee, investment company registered under the "Investment 801
Company Act of 1940," 15 U.S.C. 80a-1 et seq., collective 802
investment trust organized by banks under Part Nine of the Rules 803
of the Comptroller of the Currency, closed-end investment trust, 804
chartered or licensed life insurance company or property and 805
casualty insurance company, investment advisor registered under 806
the "Investment Advisors Act of 1940," 15 U.S.C. 80 b-1 et seq., 807
and such other persons as the commission may reasonably determine 808
to qualify as an institutional investor for reasons consistent 809
with this chapter. 810

(N) "Key employee" means any executive, employee, or agent of 811
a casino operator ~~or~~, management company, sweepstakes terminal 812
device vendor, or sweepstakes terminal device operator licensee 813
having the power to exercise significant influence over decisions 814
concerning any part of the operation of such licensee, including: 815

(1) An officer, director, trustee, or partner of a person 816

that has applied for or holds a casino operator, management 817
company, ~~or~~ gaming-related vendor, sweepstakes terminal device 818
operator, or sweepstakes terminal device vendor license or of a 819
holding company that has control of a person that has applied for 820
or holds a casino operator, management company, ~~or~~ gaming-related 821
vendor, sweepstakes terminal device operator, or sweepstakes 822
terminal device vendor license; 823

(2) A person that holds a direct or indirect ownership 824
interest of more than one per cent in a person that has applied 825
for or holds a casino operator, management company, ~~or~~ 826
gaming-related vendor, sweepstakes terminal device operator, or 827
sweepstakes terminal device vendor license, or a holding company 828
that has control of a person that has applied for or holds a 829
casino operator, management company, ~~or~~ gaming-related vendor, 830
sweepstakes terminal device operator, or sweepstakes terminal 831
device vendor license; 832

(3) A managerial employee of a person that has applied for or 833
holds a casino operator ~~or~~, gaming-related vendor, sweepstakes 834
terminal device operator, or sweepstakes terminal device vendor 835
license in Ohio, or a managerial employee of a holding company 836
that has control of a person that has applied for or holds a 837
casino operator ~~or~~, gaming-related vendor, sweepstakes terminal 838
device operator, or sweepstakes terminal device vendor license in 839
Ohio, who performs the function of principal executive officer, 840
principal operating officer, principal accounting officer, or an 841
equivalent officer or other person the commission determines to 842
have the power to exercise significant influence over decisions 843
concerning any part of the operation of such licensee. 844

The commission shall determine whether an individual whose 845
duties or status varies from those described in this division also 846
is considered a key employee. 847

(0) "Licensed casino operator" means a casino operator that 848

has been issued a license by the commission and that has been 849
certified annually by the commission to have paid all applicable 850
fees, taxes, and debts to the state. 851

(P) "Majority ownership interest" in a license or in a casino 852
facility, as the case may be, means ownership of more than fifty 853
per cent of such license or casino facility, as the case may be. 854
For purposes of the foregoing, whether a majority ownership 855
interest is held in a license or in a casino facility, as the case 856
may be, shall be determined under the rules for constructive 857
ownership of stock provided in Treas. Reg. 1.409A-3(i)(5)(iii) as 858
in effect on January 1, 2009. 859

(Q) "Management company" means an organization retained by a 860
casino operator to manage a casino facility and provide services 861
such as accounting, general administration, maintenance, 862
recruitment, and other operational services. 863

(R) "Ohio law enforcement training fund" means the state law 864
enforcement training fund described in Section 6(C)(3)(f) of 865
Article XV, Ohio Constitution, the money in which shall be used to 866
enhance public safety by providing additional training 867
opportunities to the law enforcement community. 868

(S) "Person" includes, but is not limited to, an individual 869
or a combination of individuals; a sole proprietorship, a firm, a 870
company, a joint venture, a partnership of any type, a joint-stock 871
company, a corporation of any type, a corporate subsidiary of any 872
type, a limited liability company, a business trust, or any other 873
business entity or organization; an assignee; a receiver; a 874
trustee in bankruptcy; an unincorporated association, club, 875
society, or other unincorporated entity or organization; entities 876
that are disregarded for federal income tax purposes; and any 877
other nongovernmental, artificial, legal entity that is capable of 878
engaging in business. 879

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

(U) "Promotional gaming credit" means a slot machine or table game credit, discount, or other similar item issued to a patron to enable the placement of, or increase in, a wager at a slot machine or table game.

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

(W) "Sweepstakes" and "sweepstakes terminal device" have the meanings defined in section 2915.01 of the Revised Code.

(X) "Sweepstakes terminal device gaming" means any sweepstakes conducted through the use of a sweepstakes terminal device. "Sweepstakes terminal device gaming" does not include charitable gaming and bingo authorized by Chapter 2915. of the Revised Code, pari-mutuel wagering authorized by Chapter 3769. of the Revised Code, or games or lotteries authorized by Chapter 3770. of the Revised Code.

(Y) "Sweepstakes terminal device operator" means a person that provides sweepstakes terminal devices to a sweepstakes entrant.

(Z) "Sweepstakes terminal device facility" means any location

in this state where a sweepstakes terminal device is provided to a 911
sweepstakes entrant. 912

(AA) "Sweepstakes terminal device vendor" means any person, 913
however organized, who supplies sweepstakes terminal devices or 914
related equipment, goods, or services to a sweepstakes terminal 915
device operator, including, but not limited to, the manufacture, 916
sale, distribution, or repair of sweepstakes terminal devices and 917
related equipment. 918

(BB) "Table game" means any game played with cards, dice, or 919
any mechanical, electromechanical, or electronic device or machine 920
for money, casino credit, or any representative of value. "Table 921
game" does not include slot machines. 922

~~(X)~~(CC) "Upfront license" means the first plenary license 923
issued to a casino operator. 924

~~(Y)~~(DD) "Voluntary exclusion program" means a program 925
provided by the commission that allows persons to voluntarily 926
exclude themselves from the gaming areas of facilities under the 927
jurisdiction of the commission by placing their ~~name~~ names on a 928
voluntary exclusion list and following the procedures set forth by 929
the commission. 930

Sec. 3772.03. (A) To ensure the integrity of casino gaming, 931
the commission shall have authority to complete the functions of 932
licensing, regulating, investigating, and penalizing casino 933
operators, management companies, holding companies, key employees, 934
casino gaming employees, and gaming-related vendors. The 935
commission also shall have jurisdiction over all persons 936
participating in casino gaming authorized by Section 6(C) of 937
Article XV, Ohio Constitution, and this chapter. 938

(B) To ensure the integrity of sweepstakes terminal device 939
gaming, the commission shall have the authority to complete the 940

functions of licensing, regulating, investigating, and penalizing 941
sweepstakes terminal device vendors, sweepstakes terminal device 942
operators, and key employees of these vendors and operators. 943

(C) All rules adopted by the commission under this chapter 944
shall be adopted under procedures established in Chapter 119. of 945
the Revised Code. The commission may contract for the services of 946
experts and consultants to assist the commission in carrying out 947
its duties under this section. 948

~~(C)~~(D)(1) Within six months of ~~the effective date of this~~ 949
~~section~~ September 10, 2010, the commission shall adopt initial 950
rules as are necessary for completing the functions stated in 951
division (A) of this section and for addressing the subjects 952
enumerated in division ~~(D)~~(E) of this section. 953

(2) Within six months of the effective date of this 954
amendment, the commission shall adopt initial rules as are 955
necessary for completing the functions stated in division (B) of 956
this section and for addressing the subjects enumerated in 957
division (E) of this section. No functions stated in division (B) 958
of this section may be commenced until the initial rules are 959
adopted. 960

~~(D)~~(E) The commission shall adopt, and as advisable and 961
necessary shall amend or repeal, rules that include all of the 962
following: 963

(1) The prevention of practices detrimental to the public 964
interest; 965

(2) Prescribing the method of applying, and the form of 966
application, that an applicant for a license under this chapter 967
must follow as otherwise described in this chapter; 968

(3) Prescribing the information to be furnished by an 969
applicant or licensee as described in ~~section 3772.11 of the~~ 970
~~Revised Code~~ this chapter; 971

(4) Describing the certification standards and duties of the following: an independent testing laboratory certified under section 3772.31 of the Revised Code and the relationship between the commission, the laboratory, the gaming-related vendor, and the casino operator, and the relationship between the commission, the laboratory, the sweepstakes terminal device vendor, and the sweepstakes terminal device operator;

(5) The minimum amount of insurance that must be maintained by a casino operator, management company, holding company, ~~or~~ gaming-related vendor, sweepstakes terminal device vendor, or sweepstakes terminal device operator;

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

(7) The design of gaming supplies, devices, and equipment to be distributed by gaming-related vendors and sweepstakes terminal device vendors;

(8) ~~Identifying~~ For all casino gaming and sweepstakes terminal device gaming that is licensed by the commission:

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

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

(c) ~~Defining~~ the area in which the permitted casino gaming and sweepstakes terminal device gaming may be conducted, ~~and specifying~~;

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

(e) <u>Requiring</u> gaming devices and equipment to meet the standards of this state;	1002 1003
(9) Tournament play in any casino facility;	1004
(10) Establishing and implementing a voluntary exclusion program that provides all of the following:	1005 1006
(a) Except as provided by commission rule, a person who participates in the program shall agree to refrain from entering a casino facility.	1007 1008 1009
(b) The name of a person participating in the program shall be included on a list of persons excluded from all casino facilities.	1010 1011 1012
(c) Except as provided by commission rule, no person who participates in the program shall petition the commission for admittance into a casino facility.	1013 1014 1015
(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.	1016 1017 1018 1019 1020 1021
(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.	1022 1023 1024
(f) A casino operator shall not cash the check of a person participating in the program or extend credit to the person in any manner. However, the program shall not exclude a casino operator from seeking the payment of a debt accrued by a person before participating in the program.	1025 1026 1027 1028 1029
(g) Any and all locations at which a person may register as a participant in the program shall be published.	1030 1031

(11) Requiring the commission to adopt standards regarding 1032
the marketing materials of a licensed casino operator, and a 1033
licensed sweepstakes terminal device operator, including allowing 1034
the commission to prohibit marketing materials that are contrary 1035
to the adopted standards; 1036

(12) Requiring that the records, including financial 1037
statements, of any casino operator, management company, holding 1038
company, ~~and~~ gaming-related vendor, sweepstakes terminal device 1039
vendor, and sweepstakes terminal device operator be maintained in 1040
the manner prescribed by the commission and made available for 1041
inspection upon demand by the commission, but shall be subject to 1042
section 3772.16 of the Revised Code; 1043

(13) Permitting a licensed casino operator, management 1044
company, key employee, or casino gaming employee to question a 1045
person suspected of violating this chapter; 1046

(14) The chips, tokens, tickets, electronic cards, or similar 1047
objects that may be purchased by means of an agreement under which 1048
credit is extended to a wagerer by a casino operator; 1049

(15) Establishing standards for provisional key employee 1050
licenses for a person who is required to be licensed as a key 1051
employee and is in exigent circumstances, and standards for 1052
provisional licenses for casino gaming employees who submit 1053
complete applications and are compliant under an instant 1054
background check. A provisional license shall be valid not longer 1055
than three months. A provisional license may be renewed one time, 1056
at the commission's discretion, for an additional three months. In 1057
establishing standards with regard to instant background checks, and 1058
the commission shall take notice of criminal records checks as 1059
they are conducted under section 311.41 of the Revised Code using 1060
electronic fingerprint reading devices. 1061

(16) Establishing approval procedures for third-party 1062

engineering or accounting firms, as described in section 3772.09 1063
of the Revised Code; 1064

(17) Prescribing the manner in which winnings, compensation 1065
from casino gaming, and gross revenue must be computed and 1066
reported by a licensee as described in Chapter 5753. of the 1067
Revised Code; 1068

(18) Prescribing the manner in which winnings or compensation 1069
from sweepstakes terminal devices must be computed and reported by 1070
a licensee under this chapter; 1071

(19) Prescribing conditions under which a licensee's license 1072
may be suspended or revoked as described in section 3772.04 of the 1073
Revised Code; 1074

~~(19)~~(20) Prescribing the manner and procedure of all hearings 1075
to be conducted by the commission or by any hearing examiner; 1076

~~(20)~~(21) Prescribing technical standards and requirements 1077
that are to be met by security and surveillance equipment that is 1078
used at and standards and requirements to be met by personnel who 1079
are employed at casino facilities, and standards and requirements 1080
for the provision of security at and surveillance of casino 1081
facilities; 1082

~~(21)~~(22) Prescribing requirements for a casino operator to 1083
provide unarmed security services at a casino facility by licensed 1084
casino employees, and the training that shall be completed by 1085
these employees; 1086

~~(22)~~(23) Prescribing standards according to which casino 1087
operators shall keep accounts and standards according to which 1088
casino accounts shall be audited, and ~~establish~~ establishing means 1089
of assisting the tax commissioner in levying and collecting the 1090
gross casino revenue tax levied under section 5753.02 of the 1091
Revised Code; 1092

~~(23)~~(24) Prescribing standards under which sweepstakes terminal device vendors and sweepstakes terminal device operators shall keep accounts, prescribing standards for auditing such accounts, and establishing means to assist the tax commissioner in levying and collecting all applicable taxes; 1093
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(25) 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; 1098
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~~(24)~~(26) Establishing standards for decertifying contractors that violate statutes or rules of this state or the federal government; 1101
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~~(25)~~(27) Establishing standards for the repair of casino gaming equipment, and sweepstakes terminal devices and related equipment; 1104
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~~(26)~~(28) 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; 1107
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~~(27)~~(29) Providing for any other thing necessary and proper for the successful and efficient regulation of casino gaming and sweepstakes terminal device gaming under this chapter, including, as the commission may consider necessary, standards and requirements for security, surveillance, and surveillance equipment at sweepstakes terminal device facilities. 1111
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~~(E)~~(F) As applied to sweepstakes terminal device facilities, the commission may adopt, and as advisable and necessary may amend or rescind, rules that establish and implement a voluntary exclusion program for persons that is similar to the program established under division (E)(10) of this section. 1117
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(G) The commission shall employ and assign gaming agents as necessary to assist the commission in carrying out the duties of 1122
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this chapter. In order to maintain employment as a gaming agent, 1124
the gaming agent shall successfully complete all continuing 1125
training programs required by the commission and shall not have 1126
been convicted of or pleaded guilty or no contest to a 1127
disqualifying offense as defined in section 3772.07 of the Revised 1128
Code. 1129

~~(F)~~(H) The commission and its gaming agents shall have 1130
authority with regard to the detection and investigation of, the 1131
seizure of evidence allegedly relating to, and the apprehension 1132
and arrest of persons allegedly committing gaming offenses, and 1133
shall have access to casino facilities and sweepstakes terminal 1134
device facilities to carry out the requirements of this chapter. 1135

~~(G)~~(I)(1) The commission may eject or exclude or authorize 1136
the ejection or exclusion of, and a gaming agent may eject, a 1137
person from a casino facility for any of the following reasons: 1138

~~(1)~~(a) The person's name is on the list of persons 1139
voluntarily excluding themselves from all casinos in a program 1140
established according to rules adopted by the commission; 1141

~~(2)~~(b) The person violates or conspires to violate this 1142
chapter or a rule adopted thereunder; or 1143

~~(3)~~(c) The commission determines that the person's conduct or 1144
reputation is such that the person's presence within such a ~~casino~~ 1145
facility may call into question the honesty and integrity of the 1146
casino gaming operations or ~~interfere~~ interferes with the orderly 1147
conduct of the casino gaming operations. 1148

(2) The commission may eject or exclude or authorize the 1149
ejection or exclusion of, and a gaming agent may eject, a person 1150
from a sweepstakes terminal device facility for any of the reasons 1151
designated in division (I)(1) of this section, except that 1152
division (I)(1)(a) of this section applies only if the commission 1153
adopts rules under division (F) of this section. 1154

~~(H)~~(J) A person, other than a person participating in a 1155
voluntary exclusion program, may petition the commission for a 1156
public hearing on the person's ejection or exclusion under this 1157
chapter. 1158

~~(I)~~(K) A casino operator or management company shall have the 1159
same authority to eject or exclude a person from the management 1160
company's casino facilities as authorized in division ~~(G)~~(I) of 1161
this section. The licensee shall immediately notify the commission 1162
of an ejection or exclusion. 1163

~~(J)~~(L) The commission shall submit a written annual report 1164
with the governor, president and minority leader of the senate, 1165
speaker and minority leader of the house of representatives, and 1166
joint committee on gaming and wagering before the first day of 1167
September each year. The annual report shall include a statement 1168
describing the receipts and disbursements of the commission, 1169
relevant financial data regarding casino gaming, including gross 1170
revenues and disbursements made under this chapter, actions taken 1171
by the commission, an update on casino operators', management 1172
companies', and holding companies' compulsive and problem gambling 1173
plans and the voluntary exclusion program and list, and any 1174
additional information that the commission considers useful or 1175
that the governor, president or minority leader of the senate, 1176
speaker or minority leader of the house of representatives, or 1177
joint committee on gaming and wagering requests. 1178

~~(K)~~(M) Notwithstanding any law to the contrary, beginning on 1179
July 1, 2011, the commission shall assume jurisdiction over and 1180
oversee the regulation of skill-based amusement machines, and 1181
beginning on the effective date of this amendment, the commission 1182
shall assume jurisdiction over and oversee the regulation of 1183
sweepstakes terminal devices, as is provided in the law of this 1184
state. 1185

Sec. 3772.032. (A) The permanent joint committee on gaming 1186
and wagering is established. The committee consists of six 1187
members. The speaker of the house of representatives shall appoint 1188
to the committee three members of the house of representatives and 1189
the president of the senate shall appoint to the committee three 1190
members of the senate. Not more than two members appointed from 1191
each chamber may be members of the same political party. The 1192
chairperson shall be from the opposite house as the chairperson of 1193
the joint committee on agency rule review. If the chairperson is 1194
to be from the house of representatives, the speaker of the house 1195
of representatives shall designate a member as the chairperson and 1196
the president of the senate shall designate a member as the 1197
vice-chairperson. If the chairperson is to be from the senate, the 1198
president of the senate shall designate a member as the 1199
chairperson and the speaker of the house of representatives shall 1200
designate a member as the vice-chairperson. 1201

(B) The committee shall: 1202

(1) Review all constitutional amendments, laws, and rules 1203
governing the operation and administration of casino and 1204
sweepstakes terminal device gaming and all authorized ~~gaming~~ and 1205
~~wagering~~ regulated gaming activities and recommend to the general 1206
assembly and commission any changes it may find desirable with 1207
respect to the language, structure, and organization of those 1208
amendments, laws, or rules; 1209

(2) Make an annual report to the governor and to the general 1210
assembly with respect to the operation and administration of 1211
casino and sweepstakes terminal device gaming; 1212

(3) Review all changes of fees and penalties as provided in 1213
this chapter and rules adopted thereunder; and 1214

(4) Study all proposed changes to the constitution and laws 1215
of this state and to the rules adopted by the commission governing 1216

the operation and administration of casino and sweepstakes 1217
terminal device gaming, and report to the general assembly on 1218
their adequacy and desirability as a matter of public policy. 1219

(C) Any study, or any expense incurred, in furtherance of the 1220
committee's objectives shall be paid for from, or out of, the 1221
casino control commission fund or other appropriation provided by 1222
law. The members shall receive no additional compensation, but 1223
shall be reimbursed for actual and necessary expenses incurred in 1224
the performance of their official duties. 1225

Sec. 3772.033. In carrying out the responsibilities vested in 1226
the commission by this chapter, the commission may do all the 1227
following and may designate any such responsibilities to the 1228
executive director, to the commission's employees, or to the 1229
gaming agents: 1230

(A) Inspect and examine all premises where casino gaming or 1231
sweepstakes terminal device gaming is conducted under this chapter 1232
or where such gaming supplies, devices, or equipment are 1233
manufactured, sold, or distributed; 1234

(B) Inspect all gaming supplies, devices, and equipment in or 1235
about a casino or sweepstakes terminal device facility; 1236

(C) Summarily impound and seize and remove from the casino or 1237
sweepstakes terminal device facility premises gaming supplies, 1238
devices, and equipment for the purpose of examination and 1239
inspection; 1240

(D) Determine any facts, or any conditions, practices, or 1241
other matters, as the commission considers necessary or proper to 1242
aid in the enforcement of this chapter or of a rule adopted 1243
thereunder; 1244

(E) Audit casino gaming and sweepstakes terminal device 1245
gaming operations, including those that have ceased operation; 1246

(F) Investigate, for the purpose of prosecution, any	1247
suspected violation of this chapter or rules adopted thereunder;	1248
(G) Investigate as appropriate to aid the commission and to	1249
seek the executive director's advice in adopting rules;	1250
(H) Secure information as is necessary to provide a basis for	1251
recommending legislation for the improvement of this chapter;	1252
(I) Make, execute, and otherwise effectuate all contracts and	1253
other agreements, including contracts for necessary purchases of	1254
goods and services. Except for any contract entered into with	1255
independent testing laboratories under section 3772.31 of the	1256
Revised Code, the commission shall ensure use of Ohio products or	1257
services in compliance with sections 125.09 and 125.11 of the	1258
Revised Code and all rules adopted thereunder.	1259
(J) Employ the services of persons the commission considers	1260
necessary for the purposes of consultation or investigation, and	1261
fix the salaries of, or contract for the services of, legal,	1262
accounting, technical, operational, and other personnel and	1263
consultants;	1264
(K) Secure, by agreement, information and services as the	1265
commission considers necessary from any state agency or other unit	1266
of state government;	1267
(L) <u>(K)</u> Acquire furnishings, equipment, supplies, stationery,	1268
books, and all other things the commission considers necessary or	1269
desirable to successfully and efficiently carry out the	1270
commission's duties and functions; and	1271
(M) <u>(L)</u> <u>Take any other necessary and reasonable action to</u>	1272
<u>determine if a violation of any provision of section 2915.062 or</u>	1273
<u>of this chapter of the Revised Code has occurred; and</u>	1274
<u>(M)</u> Perform all other things the commission considers	1275
necessary to effectuate the intents and purposes of this chapter.	1276

This section shall not prohibit the commission from imposing 1277
administrative discipline, including fines and suspension or 1278
revocation of licenses, on licensees under this chapter if the 1279
licensee is found to be in violation of the commission's rules. 1280

Sec. 3772.04. (A)(1) If, as the result of an investigation, 1281
the commission concludes that a license or finding required by 1282
this chapter should be limited, conditioned, or restricted, or 1283
suspended or revoked, the commission shall conduct an adjudication 1284
under Chapter 119. of the Revised Code. 1285

(2) The commission shall appoint a hearing examiner to 1286
conduct the hearing in the adjudication. A party to the 1287
adjudication may file written objections to the hearing examiner's 1288
report and recommendations not later than the thirtieth day after 1289
they are served upon the party or the party's attorney or other 1290
representative of record. The commission shall not take up the 1291
hearing examiner's report and recommendations earlier than the 1292
thirtieth day after the hearing examiner's report and 1293
recommendations were submitted to the commission. 1294

(3) If the commission finds that a person has violated 1295
section 2915.062 or this chapter of the Revised Code or a rule 1296
adopted thereunder, the commission may issue an order: 1297

(a) Limiting, conditioning, or restricting, or suspending or 1298
revoking, a license issued under this chapter; 1299

(b) Limiting, conditioning, or restricting, or suspending or 1300
revoking, a finding made under this chapter; 1301

(c) Requiring a casino facility to exclude a licensee from 1302
the casino facility or requiring a casino facility not to pay to 1303
the licensee any remuneration for services or any share of 1304
profits, income, or accruals on the licensee's investment in the 1305
casino facility; or 1306

(d) Fining a licensee or other person according to the 1307
penalties adopted by the commission. 1308

(4) An order may be judicially reviewed under section 119.12 1309
of the Revised Code. 1310

(B) For the purpose of conducting any study or investigation, 1311
the commission may direct that public hearings be held at a time 1312
and place, prescribed by the commission, in accordance with 1313
section 121.22 of the Revised Code. The commission shall give 1314
notice of all public hearings in such manner as will give actual 1315
notice to all interested parties. 1316

(C) In the discharge of any duties imposed by this chapter, 1317
the commission may require that testimony be given under oath and 1318
administer such oath, issue subpoenas compelling the attendance of 1319
witnesses and the production of any papers, books, and accounts, 1320
and cause the deposition of any witness. In the event of the 1321
refusal of any person without good cause to comply with the terms 1322
of a subpoena issued by the commission or refusal to testify on 1323
matters about which the person may lawfully be questioned, the 1324
prosecuting attorney of the county in which such person resides, 1325
upon the petition of the commission, may bring a proceeding for 1326
contempt against such person in the court of common pleas of that 1327
county. 1328

(D) When conducting a public hearing, the commission shall 1329
not limit the number of speakers who may testify. However, the 1330
commission may set reasonable time limits on the length of an 1331
individual's testimony or the total amount of time allotted to 1332
proponents and opponents of an issue before the commission. 1333

(E) An administrative law judge appointed by the commission 1334
may conduct a hearing under this chapter and recommend findings of 1335
fact and decisions to the commission. 1336

(F) The commission may rely, in whole or in part, upon 1337

investigations, conclusions, or findings of other casino gaming 1338
commissions or other government regulatory bodies in connection 1339
with licensing, investigations, or other matters relating to an 1340
applicant or licensee under this chapter. 1341

Sec. 3772.06. (A)(1) The commission shall appoint an 1342
executive director who shall serve at the pleasure of the 1343
commission. The executive director is in the unclassified service, 1344
shall devote full time to the duties of the office, and shall hold 1345
no other office or employment. The executive director shall, by 1346
experience and training, possess management skills that equip the 1347
executive director to administer an enterprise of the nature of 1348
the commission. The executive director shall not have a pecuniary 1349
interest in any business organization that holds a license under 1350
this chapter, or that does business with any person licensed under 1351
this chapter. A member of the general assembly, a person who holds 1352
an elective office, or an office holder of a political party is 1353
ineligible to be appointed executive director at the same time as 1354
being such a member or holding such an office. The executive 1355
director shall receive an annual salary in accordance with pay 1356
range 48 of section 124.152 of the Revised Code. 1357

(2) The executive director, before entering upon the 1358
discharge of the executive director's official duties, shall give, 1359
and thereafter shall maintain, bond in the amount of twenty-five 1360
thousand dollars, payable to the state, conditioned upon the 1361
executive director's faithful and proper performance of the 1362
executive director's official duties. The bond shall be issued by 1363
a surety authorized to do business in this state and shall be 1364
filed with the secretary of state. The bond may be an individual 1365
bond or a schedule or blanket bond. 1366

(B)(1) The executive director or a deputy designated in 1367
writing by the executive director shall attend all meetings of the 1368

commission and shall act as its secretary. The executive director 1369
shall keep a record of all commission proceedings and shall keep 1370
the commission's records, files, and documents at the commission's 1371
principal office. 1372

(2) The executive director shall be the chief executive 1373
officer and shall be responsible for keeping all commission 1374
records and supervising and administering casino gaming and 1375
sweepstakes terminal device gaming in accordance with this 1376
chapter, and enforcing all commission rules adopted under this 1377
chapter. 1378

(3) The executive director shall hire staff, including an 1379
assistant director or deputy directors, as necessary to assist the 1380
executive director in the executive director's duties under this 1381
chapter. In appointing employees, the executive director is 1382
subject to section 3772.061 of the Revised Code. The executive 1383
director may employ employees as necessary, unless the commission 1384
determines otherwise. Except as otherwise provided in this 1385
chapter, all costs of administration incurred by the executive 1386
director and the executive director's employees shall be paid out 1387
of the casino control commission fund. 1388

(C) A state agency or other unit of state government shall 1389
cooperate with the commission, and shall provide the commission 1390
with information and services the commission considers necessary 1391
to carry out the commission's duties and functions under this 1392
chapter. 1393

(D) The executive director shall confer at least once each 1394
month with the commission, at which time the executive director 1395
shall advise it regarding the operation and administration of the 1396
commission and casino gaming and sweepstakes terminal device 1397
gaming. The executive director shall make available at the request 1398
of the commission all documents, files, and other records 1399
pertaining to the operation and administration of the commission 1400

and casino gaming and sweepstakes terminal device gaming. The 1401
executive director shall prepare and make available to the 1402
commission each month a complete and accurate accounting of gross 1403
casino gaming revenues, and all other relevant financial 1404
information, including an accounting of all transfers made from 1405
the casino control commission fund. 1406

Sec. 3772.07. The following appointing or licensing 1407
authorities shall obtain a criminal records check of the person 1408
who is to be appointed or licensed: 1409

(A) The governor, before appointing an individual as a member 1410
of the commission; 1411

(B) The commission, before appointing an individual as 1412
executive director or a gaming agent; 1413

(C) The commission, before issuing a license for a key 1414
employee or casino gaming employee, and before issuing a license 1415
for each investor, except an institutional investor, for a casino 1416
operator, management company, holding company, or gaming-related 1417
vendor; 1418

(D) The commission, before issuing a license for a 1419
sweepstakes terminal device vendor sweepstakes terminal device 1420
operator, or a key employee of such a vendor or operator; 1421

(E) The executive director, before appointing an individual 1422
as a professional, technical, or clerical employee of the 1423
commission. 1424

Thereafter, such an appointing or licensing authority shall 1425
obtain a criminal records check of the same individual at 1426
three-year intervals. 1427

The appointing or licensing authority shall provide to each 1428
person of whom a criminal records check is required a copy of the 1429
form and the standard fingerprint impression sheet prescribed 1430

under divisions (C)(1) and (2) of section 109.572 of the Revised Code. The person shall complete the form and impression sheet and return them to the appointing or licensing authority. If a person fails to complete and return the form and impression sheet within a reasonable time, the person is ineligible to be appointed or licensed or to continue in the appointment or licensure.

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

~~The commission shall pay the fee the bureau of criminal identification and investigation charges for all criminal records checks conducted under this section. An applicant for a casino operator, management company, holding company, or gaming-related vendor, casino gaming employee, key employee, sweepstakes terminal device vendor, or sweepstakes terminal device operator license shall reimburse the commission for the amount of the fee paid on the applicant's behalf. An applicant for a key employee or casino gaming employee license shall reimburse the commission for the amount of the fee paid on the applicant's behalf, unless the applicant is applying at the request of a casino operator or, management company, in~~

~~which case holding company, gaming-related vendor, sweepstakes terminal device vendor, or sweepstakes terminal device operator, the casino operator or management company requesting entity shall reimburse the commission pay the fee charged for the criminal records check conducted under this section.~~

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

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

Sec. 3772.071. (A) A sweepstakes terminal device operator shall request that the superintendent of the bureau of criminal

identification and investigation conduct a criminal records check 1494
of any non-key employee employed prior to the effective date of 1495
this section, and of any applicant for employment as a non-key 1496
employee who is employed by the sweepstakes terminal device 1497
operator after the effective date of this section. The sweepstakes 1498
terminal device operator also shall request that the 1499
superintendent obtain information from the federal bureau of 1500
investigation as part of the criminal records check of the non-key 1501
employee or non-key employee applicant. 1502

(B)(1) A sweepstakes terminal device operator shall provide 1503
to each employee or applicant for whom a criminal records check 1504
request is required under this section a copy of the form and the 1505
standard fingerprint impression sheet prescribed under division 1506
(C) of section 109.572 of the Revised Code, and shall obtain the 1507
completed form and impression sheet from the employee or 1508
applicant. The sweepstakes terminal device operator shall forward 1509
the completed form and impression sheet to the superintendent of 1510
the bureau of criminal identification and investigation. 1511

(2) An employee or applicant who is provided a form and 1512
fingerprint impression sheet under this section but who fails to 1513
complete the form or to provide fingerprint impressions shall not 1514
be employed by a sweepstakes terminal device operator in any 1515
position. 1516

(C) Each sweepstakes terminal device operator shall pay to 1517
the bureau of criminal identification and investigation the fee 1518
prescribed under division (C) of section 109.572 of the Revised 1519
Code for each criminal records check conducted pursuant to a 1520
request made under this section. A sweepstakes terminal device 1521
operator may charge an applicant a fee not exceeding the amount 1522
the operator pays, but only if the operator notifies the applicant 1523
at the time of initial application for employment of the amount of 1524
the fee and that, unless the fee is paid, the applicant will not 1525

be considered for employment. 1526

(D) No sweepstakes terminal device operator shall employ any person that has been convicted of or has pleaded guilty to a disqualifying offense, as defined in section 3772.07 of the Revised Code. 1527
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(E) The report of any criminal records check conducted pursuant to a request made under this section is not a public record under section 149.43 of the Revised Code and shall not be made available to any person, except the following: 1531
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(1) The individual who is the subject of the criminal records check or the individual's representative; 1535
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(2) The sweepstakes terminal device operator requesting the criminal records check or the operator's agent or representative; 1537
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(3) Any court or agency, including a hearing examiner, in a judicial or administrative proceeding relating to the individual's employment with the sweepstakes terminal device operator requesting the criminal records check and in which proceeding the criminal records check is relevant; 1539
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(4) A member, the executive director, or an employee of the commission. 1544
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Sec. 3772.09. (A) No casino operator, management company, holding company, gaming-related vendor, key employee, or casino gaming employee shall conduct or participate in conducting casino gaming without first obtaining a license from the commission. 1546
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(B) Before a licensed casino operator may conduct casino gaming at a casino facility, a licensed casino operator shall engage a third-party engineering or accounting firm to certify expenses of its initial investment, as required by section 3772.27 of the Revised Code, and provide documentation to the commission. The third-party engineering or accounting firm shall be approved 1550
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by the commission and shall certify expenses in accordance with 1556
rules adopted by the commission under section 3772.03 of the 1557
Revised Code. The commission may request the department of 1558
administrative services to assist the commission in carrying out 1559
its duties under this section. 1560

(C) No sweepstakes terminal device vendor, sweepstakes 1561
terminal device operator, or key employee of such a vendor or 1562
operator shall conduct or participate in sweepstakes terminal 1563
device gaming without first obtaining a license from the 1564
commission. 1565

Sec. 3772.10. (A) In determining whether to grant or maintain 1566
the privilege of ~~a casino operator, management company, holding 1567~~
~~company, key employee, casino gaming employee, or gaming related 1568~~
~~vendor~~ any license issued under this chapter, the ~~Ohio casino 1569~~
~~control~~ commission shall consider all of the following, as 1570
applicable: 1571

(1) The reputation, experience, and financial integrity of 1572
the applicant, its holding company, if applicable, and any other 1573
person that directly or indirectly controls the applicant; 1574

(2) The financial ability of the applicant to purchase and 1575
maintain adequate liability and casualty insurance and to provide 1576
an adequate surety bond; 1577

(3) The past and present compliance of the applicant and its 1578
affiliates or affiliated companies, if applicable, with 1579
casino-related or sweepstakes-related licensing requirements in 1580
this state or any other jurisdiction, including whether the 1581
applicant has a history of noncompliance with the casino or 1582
sweepstakes licensing requirements of any jurisdiction; 1583

(4) If the applicant has been indicted, convicted, pleaded 1584
guilty or no contest, or forfeited bail concerning any criminal 1585

offense under the laws of any jurisdiction, either felony or 1586
misdemeanor, not including traffic violations; 1587

(5) If the applicant has filed, or had filed against it a 1588
proceeding for bankruptcy or has ever been involved in any formal 1589
process to adjust, defer, suspend, or otherwise work out the 1590
payment of any debt; 1591

(6) If the applicant has been served with a complaint or 1592
other notice filed with any public body regarding a payment of any 1593
tax required under federal, state, or local law that has been 1594
delinquent for one or more years; 1595

(7) If the applicant is or has been a defendant in litigation 1596
involving its business practices; 1597

(8) If awarding a license would undermine the public's 1598
confidence in the casino gaming industry in this state; 1599

(9) If the applicant meets other standards for the issuance 1600
of a license that the commission adopts by rule, which shall not 1601
be arbitrary, capricious, or contradictory to the expressed 1602
provisions of this chapter. 1603

(B) All applicants for a license under this chapter shall 1604
establish their suitability for a license by clear and convincing 1605
evidence. If the commission determines that a person is eligible 1606
under this chapter to be issued a license ~~as a casino operator,~~ 1607
~~management company, holding company, key employee, casino gaming~~ 1608
~~employee, or gaming-related vendor,~~ the commission shall issue 1609
such license for not more than three years, as determined by 1610
commission rule, if all other requirements of this chapter have 1611
been satisfied. 1612

(C) The commission shall not issue a ~~casino operator,~~ 1613
~~management company, holding company, key employee, casino gaming~~ 1614
~~employee, or gaming-related vendor~~ license under this chapter to 1615
an applicant if: 1616

(1) The applicant has been convicted of a disqualifying offense, as defined in section 3772.07 of the Revised Code.	1617 1618
(2) The applicant has submitted an application for license under this chapter that contains false information.	1619 1620
(3) The applicant is a commission member.	1621
(4) The applicant owns an ownership interest that is unlawful under this chapter, unless waived by the commission.	1622 1623
(5) The applicant violates specific rules adopted by the commission related to denial of licensure.	1624 1625
(6) The applicant is a member of or employed by a gaming regulatory body of a governmental unit in this state, another state, or the federal government, or is employed by a governmental unit of this state. This division does not prohibit a casino operator from hiring special duty law enforcement officers if the officers are not specifically involved in gaming-related regulatory functions.	1626 1627 1628 1629 1630 1631 1632
(7) The commission otherwise determines the applicant is ineligible for the license.	1633 1634
(D)(1) The commission shall investigate the qualifications of each applicant under this chapter before any license is issued and before any finding with regard to acts or transactions for which commission approval is required is made. The commission shall continue to observe the conduct of all licensees and all other persons having a material involvement directly or indirectly with a casino operator, management company, <u>sweepstakes terminal device operator</u> , or holding company to ensure that licenses are not issued to or held by, or that there is not any material involvement with a casino operator, management company, <u>sweepstakes terminal device operator</u> , or holding company by, an unqualified, disqualified, or unsuitable person or a person whose operations are conducted in an unsuitable manner or in unsuitable	1635 1636 1637 1638 1639 1640 1641 1642 1643 1644 1645 1646 1647

or prohibited places or locations. 1648

(2) The executive director may recommend to the commission 1649
that it deny any application, or limit, condition, or restrict, or 1650
suspend or revoke, any license or finding, or impose any fine upon 1651
any licensee or other person according to this chapter and the 1652
rules adopted thereunder. 1653

(3) A license issued under this chapter is a revocable 1654
privilege. No licensee has a vested right in or under any license 1655
issued under this chapter. The initial determination of the 1656
commission to deny, or to limit, condition, or restrict, a license 1657
may be appealed under section 2505.03 of the Revised Code. 1658

(E)(1) An institutional investor otherwise required to be 1659
found suitable or qualified under this chapter and the rules 1660
adopted under this chapter shall be presumed suitable or qualified 1661
upon submitting documentation sufficient to establish 1662
qualifications as an institutional investor and upon certifying 1663
all of the following: 1664

(a) The institutional investor owns, holds, or controls 1665
publicly traded securities issued by a licensee or holding, 1666
intermediate, or parent company of a licensee or in the ordinary 1667
course of business for investment purposes only. 1668

(b) The institutional investor does not exercise influence 1669
over the affairs of the issuer of such securities nor over any 1670
licensed subsidiary of the issuer of such securities. 1671

(c) The institutional investor does not intend to exercise 1672
influence over the affairs of the issuer of such securities, nor 1673
over any licensed subsidiary of the issuer of such securities, in 1674
the future, and that it agrees to notify the commission in writing 1675
within thirty days if such intent changes. 1676

(2) The exercise of voting privileges with regard to publicly 1677
traded securities shall not be deemed to constitute the exercise 1678

of influence over the affairs of a licensee. 1679

(3) The commission shall rescind the presumption of 1680
suitability for an institutional investor at any time if the 1681
institutional investor exercises or intends to exercise influence 1682
or control over the affairs of the licensee. 1683

(4) This division shall not be construed to preclude the 1684
commission from investigating the suitability or qualifications of 1685
an institutional investor if the commission becomes aware of facts 1686
or information that may result in the institutional investor being 1687
found unsuitable or disqualified. 1688

(F) Information provided on the application shall be used as 1689
a basis for a thorough background investigation of each applicant. 1690
A false or incomplete application is cause for denial of a license 1691
by the commission. All applicants and licensees shall consent to 1692
inspections, searches, and seizures and to the disclosure to the 1693
commission and its agents of confidential records, including tax 1694
records, held by any federal, state, or local agency, credit 1695
bureau, or financial institution and to provide handwriting 1696
exemplars, photographs, fingerprints, and information as 1697
authorized in this chapter and in rules adopted by the commission. 1698

Sec. 3772.17. (A) The upfront license fee to obtain a license 1699
as a casino operator shall be fifty million dollars per casino 1700
facility, which shall be deposited into the economic development 1701
programs fund, which is created in the state treasury. New casino 1702
operator, management company, and holding company license and 1703
renewal license fees shall be set by rule of the commission, 1704
subject to the review of the joint committee on gaming and 1705
wagering. 1706

(B) The fee to obtain an application for a casino operator, 1707
management company, or holding company license shall be one 1708
million five hundred thousand dollars per application. The 1709

application fee shall be deposited into the casino control 1710
commission fund. The application fee is nonrefundable. 1711

(C) The license fees for a gaming-related vendor shall be set 1712
by rule of the commission, subject to the review of the joint 1713
committee on gaming and wagering. Additionally, the commission may 1714
assess an applicant a reasonable fee in the amount necessary to 1715
process a gaming-related vendor license application. 1716

(D) The license fees for a key employee shall be set by rule 1717
of the commission, subject to the review of the joint committee on 1718
gaming and wagering. Additionally, the commission may assess an 1719
applicant a reasonable fee in the amount necessary to process a 1720
key employee license application. If the license is being sought 1721
at the request of a casino operator, such fees shall be paid by 1722
the casino operator. 1723

(E) The license fees for a casino gaming employee shall be 1724
set by rule of the commission, subject to the review of the joint 1725
committee on gaming and wagering. If the license is being sought 1726
at the request of a casino operator, the fee shall be paid by the 1727
casino operator. 1728

(F) The license fees for a sweepstakes terminal device vendor 1729
shall be set by rule of the commission and shall be not less than 1730
fifteen thousand dollars. Additionally, the commission may assess 1731
an applicant a nonrefundable license application fee of not less 1732
than ten thousand dollars and an additional amount necessary to 1733
process a sweepstakes terminal device vendor license application. 1734

(G) The license fees for a sweepstakes terminal device 1735
operator shall be set by rule of the commission and shall be not 1736
less than one hundred thousand dollars. Additionally, the 1737
commission may assess an applicant a nonrefundable application fee 1738
of not less than twenty-five thousand dollars and an additional 1739
amount necessary to process a sweepstakes terminal device operator 1740

license application. 1741

Sec. 3772.21. (A) Casino gaming equipment and supplies 1742
customarily used in conducting casino gaming shall be purchased or 1743
leased only from gaming-related vendors licensed under this 1744
chapter. A management company owning casino gaming devices, 1745
supplies, and equipment shall be licensed as a gaming-related 1746
vendor under this chapter. 1747

(B) Annually, a gaming-related vendor shall furnish to the 1748
commission a list of all equipment, devices, and supplies offered 1749
for sale or lease in connection with casino gaming authorized 1750
under this chapter. 1751

(C) A gaming-related vendor shall keep books and records for 1752
the furnishing of equipment, devices, and supplies to casino 1753
gaming operations separate from books and records of any other 1754
business operated by the gaming-related vendor. A gaming-related 1755
vendor shall file a quarterly return with the commission listing 1756
all sales and leases. A gaming-related vendor shall permanently 1757
affix the gaming-related vendor's name to all of the 1758
gaming-related vendor's equipment, devices, and supplies for 1759
casino gaming operations. 1760

(D) A gaming-related vendor's equipment, devices, or supplies 1761
that are used by a person in an unauthorized casino gaming 1762
operation shall be forfeited to the commission. 1763

(E) Sweepstakes terminal devices and gaming equipment and 1764
supplies customarily used in conducting sweepstakes terminal 1765
device gaming shall be purchased or leased only from sweepstakes 1766
terminal device vendors licensed under this chapter. A sweepstakes 1767
terminal device vendor shall only provide sweepstakes terminal 1768
devices and related gaming equipment and supplies that have been 1769
approved by the commission to sweepstakes terminal device and 1770
related gaming equipment and supplies operators who have received 1771

a sweepstakes terminal device operator's license from the 1772
commission. The sweepstakes terminal device vendor shall accept 1773
payment only by check or electronic funds transfer as approved by 1774
the commission for offering sweepstakes terminal devices and 1775
related gaming equipment and supplies in this state. 1776

(F) At least once a year, as determined by the commission, a 1777
sweepstakes terminal device vendor shall furnish to the commission 1778
a list of all sweepstakes terminal devices and related gaming 1779
equipment and supplies offered for sale or lease by that vendor in 1780
this state. 1781

(G) Each sweepstakes terminal device vendor shall keep books 1782
and records for the furnishing of sweepstakes terminal devices and 1783
related gaming equipment, and supplies to sweepstakes terminal 1784
device gaming operations separate from books and records of any 1785
other business operated by the vendor. Each sweepstakes terminal 1786
device vendor shall file a quarterly return with the commission 1787
listing all sales and leases. A sweepstakes terminal device vendor 1788
shall permanently affix the vendor's name, as filed with the 1789
commission, to all of the vendor's sweepstakes terminal devices 1790
and related gaming equipment and supplies used or offered for sale 1791
in this state. 1792

Sec. 3772.23. (A) All tokens, chips, or electronic cards that 1793
are used to make wagers shall be purchased from the casino 1794
operator or management company while at a casino facility that has 1795
been approved by the commission. Chips, tokens, tickets, 1796
electronic cards, or similar objects may be used while at the 1797
casino facility only for the purpose of making wagers on casino 1798
games. 1799

(B) Casino operators and management companies may provide 1800
promotional gaming credits to their patrons. Promotional gaming 1801
credits shall be subject to oversight by the commission. 1802

(C) Casino operators ~~and~~, management companies, ~~and~~ 1803
sweepstakes terminal device operators shall not do any of the 1804
following: 1805

(1) Obtain a license to operate a check-cashing business 1806
under sections 1315.01 to 1315.30 of the Revised Code; 1807

(2) Obtain a license to provide loans under sections 1321.01 1808
to 1321.19 of the Revised Code; 1809

(3) Obtain a license to provide loans under sections 1321.35 1810
to 1321.48 of the Revised Code. 1811

Sec. 3772.24. (A) An employee of a casino facility who is 1812
between eighteen and twenty-one years of age may be present in the 1813
area of a casino facility where casino gaming is being conducted, 1814
as long as the employee's duties are related solely to nongaming 1815
activities. An individual who is less than twenty-one years of age 1816
may enter a designated area of a casino facility where casino 1817
gaming is being conducted, as established by the commission, to 1818
pass to another area where casino gaming is not being conducted. 1819
An individual who is less than twenty-one years of age shall not 1820
make a wager under this chapter. 1821

(B) Casino operators shall notify the commission of the days 1822
and hours during which casinogaming will be conducted. 1823

(C) An individual who is under twenty-one years of age shall 1824
not be employed at a sweepstakes terminal device facility by a 1825
sweepstakes terminal device operator and shall not be allowed to 1826
engage in sweepstakes terminal device gaming at a sweepstakes 1827
terminal device facility. 1828

Sec. 3772.30. (A) If any person violates section 2915.062 of 1829
the Revised Code or this chapter or a rule adopted thereunder, the 1830
attorney general has a cause of action to restrain the violation. 1831
Such an action is a civil action, governed by the Rules of Civil 1832

Procedure. Upon receiving a request from the commission or the executive director, the attorney general shall commence and prosecute such an action to completion. The court shall give priority to such an action over all other civil actions. Such an action does not preclude an administrative or criminal proceeding on the same facts.

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

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

Sec. 3772.301. (A) At any time after the effective date of this section, a legislative authority of a municipal corporation or of an unincorporated area of a township may adopt an ordinance or resolution affirmatively allowing the operation of sweepstakes terminal devices within the municipal corporation or within the unincorporated area of the township. A legislative authority that has adopted such an ordinance or resolution may charge sweepstakes terminal device vendors and sweepstakes terminal device operators fees.

(B) Within seven days after adopting an ordinance or resolution under division (A) of this section, the legislative authority shall provide written notice to the casino control commission that the operation of sweepstakes terminal devices is allowed within the municipal corporation or within the unincorporated area of the township.

Sec. 3772.31. (A) The commission, by and through the 1863
executive director of the commission and as required under section 1864
125.05 of the Revised Code, may enter into contracts necessary to 1865
ensure the proper operation and reporting of all casino gaming and 1866
sweepstakes terminal device gaming authorized under this chapter. 1867
The commission shall not require use of a central system by a 1868
casino operator if the casino operator is in compliance with this 1869
chapter. If the commission determines, after written notice to the 1870
casino operator and a hearing under section 3772.04 of the Revised 1871
Code, that a casino operator is not in compliance with this 1872
chapter, the commission may determine it is necessary to require 1873
the casino operator to install and implement a central system 1874
under such conditions as the commission may require. Before any 1875
such hearing, the commission shall provide the casino operator 1876
with written notice that the casino operator is not in compliance 1877
with a specific requirement of this chapter, describe the 1878
requirement, and provide the casino operator at least thirty days 1879
to cure the noncompliance or, if the cure cannot be reasonably 1880
rectified within thirty days, require the casino operator to 1881
demonstrate to the commission's satisfaction that the casino 1882
operator is diligently pursuing the required cure. The system 1883
shall be operated by or under the commission's control. If the 1884
commission determines that a central system is necessary and 1885
adopts rules authorizing a central system, casino operators shall 1886
be responsible for the costs of the central system as it relates 1887
to casino facilities. The commission shall require and shall adopt 1888
rules to authorize a central system for sweepstakes terminal 1889
device operators. Sweepstakes terminal device operators shall be 1890
responsible for the costs of the central system as the system 1891
relates to sweepstakes terminal device gaming as authorized under 1892
this chapter. 1893

(B) The commission shall certify independent testing 1894

laboratories to scientifically test and technically evaluate all 1895
electronic gaming equipment, including sweepstakes terminal 1896
devices, slot machines, mechanical, electromechanical, or 1897
electronic table games, and slot accounting systems, ~~and other~~ 1898
~~electronic gaming equipment~~ for compliance with this chapter. The 1899
certified independent testing laboratories shall be accredited by 1900
a national accreditation body. The commission shall certify an 1901
independent testing laboratory if it is competent and qualified to 1902
scientifically test and evaluate electronic gaming equipment for 1903
compliance with this chapter and to otherwise perform the 1904
functions assigned to an independent testing laboratory under this 1905
chapter. An independent testing laboratory shall not be owned or 1906
controlled by, or have any interest in, a gaming-related vendor or 1907
sweepstakes terminal device vendor of electronic gaming equipment. 1908
The commission shall prepare a list of certified independent 1909
testing laboratories from which independent testing laboratories 1910
shall be chosen for all purposes under this chapter. 1911

Sec. 3772.35. (A) In carrying out the responsibilities 1912
delegated in section 3772.03 of the Revised Code, the commission 1913
may issue a sweepstakes terminal device vendor license if the 1914
applicant meets all requirements under this chapter and any rule 1915
adopted by the commission, and meets all requirements under 1916
Chapter 2915. of the Revised Code. 1917

(B) Any person may apply for a sweepstakes terminal device 1918
vendor license. The application shall be made under oath on a form 1919
provided by the commission, and shall contain all information 1920
required by the commission. The application shall be accompanied 1921
by the nonrefundable license application fee assessed by the 1922
commission under section 3772.17 of the Revised Code. 1923

(C)(1) A sweepstakes terminal device vendor shall be licensed 1924
prior to the shipment by the vendor of any sweepstakes terminal 1925

devices and related gaming equipment and supplies into, within, or 1926
out of this state. 1927

(2) A sweepstakes terminal device vendor shall submit each 1928
individual sweepstakes terminal device and related gaming 1929
equipment and supplies to be used in this state for testing, 1930
certification, and approval, as prescribed by rules adopted under 1931
this chapter. Prior to shipment and delivery, each individual 1932
sweepstakes terminal device intended to be used in this state 1933
shall have permanently affixed to it a certificate of approval 1934
from a certified independent testing laboratory in a form and 1935
manner prescribed by the commission and shall be sealed by the 1936
certified independent testing laboratory at the time of approval 1937
in a manner prescribed by the commission. 1938

Sec. 3772.36. (A) In carrying out the responsibilities 1939
delegated in section 3772.03 of the Revised Code, the commission 1940
may issue a sweepstakes terminal device operator license if the 1941
applicant meets all requirements under this chapter and any rule 1942
adopted by the commission, and meets all requirements under 1943
Chapter 2915. of the Revised Code. 1944

(B) Any person may apply for a sweepstakes terminal device 1945
operator license at any time after an ordinance or a resolution is 1946
adopted under section 3772.301 of the Revised Code by the 1947
legislative authority of the municipal corporation or of the 1948
unincorporated area of the township in which the applicant will be 1949
conducting sweepstakes terminal device gaming. The application 1950
shall be made under oath on a form provided by the commission, and 1951
shall contain all information required by the commission. The 1952
application shall be accompanied by the nonrefundable license 1953
application fee assessed by the commission under section 3772.17 1954
of the Revised Code. 1955

(C) The following restrictions apply to a sweepstakes 1956

<u>terminal device operator licensee:</u>	1957
<u>(1) No beer or intoxicating liquor shall be served or</u>	1958
<u>consumed in any licensed sweepstakes terminal device facility.</u>	1959
<u>(2) A sweepstakes terminal device operator, including that</u>	1960
<u>operator's partners, affiliates, subsidiaries, and contractors,</u>	1961
<u>shall not obtain or retain a lottery sales agent license.</u>	1962
<u>(3) The operator's sweepstakes terminal device facility shall</u>	1963
<u>not:</u>	1964
<u>(a) Obtain or retain a lottery sales agent license;</u>	1965
<u>(b) Be within five hundred feet of a casino facility or a</u>	1966
<u>race track where pari-mutuel wagering is permitted;</u>	1967
<u>(c) Be within one thousand feet of a primary or secondary</u>	1968
<u>school or a child day-care facility; or</u>	1969
<u>(d) Be located on a parcel zoned for residential purposes.</u>	1970
<u>(4) No person under twenty-one years of age shall be allowed</u>	1971
<u>to enter or be employed at a sweepstakes terminal device facility.</u>	1972
<u>(D) A sweepstakes terminal device operator shall be licensed</u>	1973
<u>before any sweepstakes terminal devices are shipped to or</u>	1974
<u>installed at the operator's sweepstakes terminal device facility.</u>	1975
<u>The sweepstakes terminal devices shall be shipped and installed in</u>	1976
<u>the manner prescribed by rules adopted under this chapter.</u>	1977
<u>(E) Before a licensed sweepstakes terminal device operator</u>	1978
<u>may conduct sweepstakes terminal device gaming at a sweepstakes</u>	1979
<u>terminal device facility, and prior to the installation of any</u>	1980
<u>sweepstakes terminal device at a sweepstakes terminal device</u>	1981
<u>facility, the sweepstakes terminal device operator shall submit to</u>	1982
<u>a certified independent testing laboratory each individual</u>	1983
<u>sweepstakes terminal device and related gaming equipment and</u>	1984
<u>supplies for testing, certification, approval, and sealing as</u>	1985
<u>prescribed by rules adopted under this chapter. The proof or</u>	1986

certification of examination and approval of a sweepstakes terminal device and related gaming equipment and supplies that satisfies the requirements of division (C) of section 3772.35 of the Revised Code does not satisfy the requirement of this division. A sweepstakes terminal device operator shall obtain a separate and independent examination and approval of all sweepstakes terminal devices and related gaming equipment and supplies by a certified independent testing laboratory under this chapter. 1987
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(F) A licensed sweepstakes terminal device operator shall conspicuously post in each sweepstakes terminal device facility the rules of all sweepstakes the operator is conducting at the facility. 1996
1997
1998
1999

Sec. 3772.99. (A) The commission shall levy and collect penalties for noncriminal violations of this chapter. Moneys collected from such penalty levies shall be credited to the general revenue fund. 2000
2001
2002
2003

(B) If a ~~licensed casino operator, management company, holding company, gaming related vendor, or key employee licensee~~ violates this chapter or engages in a fraudulent act, the commission may suspend or revoke the license and may do either or both of the following: 2004
2005
2006
2007
2008

(1) Suspend, revoke, or restrict the casino gaming operations of a casino operator and the sweepstakes terminal device gaming operations of a sweepstakes terminal device operator; 2009
2010
2011

(2) Require the removal of a management company, key employee, or discontinuance of services from a gaming-related vendor or sweepstakes terminal device vendor. 2012
2013
2014

(C) The commission shall impose civil penalties against a person who violates this chapter under the penalties adopted by 2015
2016

commission rule and reviewed by the joint committee on gaming and 2017
wagering. 2018

(D) A person who knowingly or intentionally does any of the 2019
following commits a misdemeanor of the first degree on the first 2020
offense and a felony of the fifth degree for a subsequent offense: 2021

(1) Makes a false statement on an application submitted under 2022
this chapter; 2023

(2) Permits a person less than twenty-one years of age to 2024
make a wager or to engage in sweepstakes terminal device gaming at 2025
a sweepstakes terminal device facility; 2026

(3) Aids, induces, or causes a person less than twenty-one 2027
years of age who is not an employee of the casino gaming operation 2028
to enter or attempt to enter a casino facility; 2029

(4) Enters or attempts to enter a casino facility or 2030
sweepstakes terminal device facility while under twenty-one years 2031
of age, unless, in the case of a casino facility, the person 2032
enters a designated area as described in section 3772.24 of the 2033
Revised Code; 2034

(5) Wagers or accepts a wager at a location other than a 2035
casino facility; 2036

(6) Is a casino operator or employee and participates in 2037
casino gaming other than as part of operation or employment. 2038

(E) A person who knowingly or intentionally does any of the 2039
following commits a felony of the fifth degree on a first offense 2040
and a felony of the fourth degree for a subsequent offense. If the 2041
person is a licensee under this chapter, the commission shall 2042
revoke the person's license after the first offense. 2043

(1) Offers, promises, or gives anything of value or benefit 2044
to a person who is connected with ~~the casino operator, management~~ 2045
~~company, holding company, or gaming-related vendor~~ a licensee, 2046

including their officers and employees, under an agreement to 2047
influence or with the intent to influence the actions of the 2048
person to whom the offer, promise, or gift was made in order to 2049
affect or attempt to affect the outcome of a casino game or of a 2050
sweepstakes or an official action of a commission member; 2051

(2) Solicits, accepts, or receives a promise of anything of 2052
value or benefit while the person is connected with a casino or 2053
sweepstakes terminal device facility, including an officer or 2054
employee of a ~~casino operator, management company, or~~ 2055
~~gaming-related vendor~~ licensee, under an agreement to influence or 2056
with the intent to influence the actions of the person to affect 2057
or attempt to affect the outcome of a casino game or of a 2058
sweepstakes or an official action of a commission member; 2059

(3) Uses or possesses with the intent to use a device to 2060
assist in projecting the outcome of the casino game, keeping track 2061
of the cards played, analyzing the probability of the occurrence 2062
of an event relating to the casino game, or analyzing the strategy 2063
for playing or betting to be used in the casino game, except as 2064
permitted by the commission; 2065

(4) Cheats at a casino game or sweepstakes; 2066

(5) Manufactures, sells, or distributes any cards, chips, 2067
dice, game, or device that is intended to be used to violate this 2068
chapter; 2069

(6) Alters or misrepresents the outcome of a sweepstakes, or 2070
of a casino game on which wagers have been made, after the outcome 2071
is made sure but before the outcome is revealed to the players; 2072

(7) Places a wager on the outcome of a casino game or engages 2073
in sweepstakes terminal device gaming after acquiring knowledge 2074
that is not available to all players and concerns the outcome of 2075
the casino game or sweepstakes that is the subject of the wager or 2076
entry; 2077

(8) Aids a person in acquiring the knowledge described in	2078
division (E)(7) of this section for the purpose of placing a wager	2079
<u>or entering a sweepstakes through a sweepstakes terminal device</u>	2080
contingent on the outcome of a casino game <u>or of a sweepstakes;</u>	2081
(9) Claims, collects, takes, or attempts to claim, collect,	2082
or take money or anything of value in or from a casino game <u>or a</u>	2083
<u>sweepstakes</u> with the intent to defraud or without having made a	2084
wager contingent on winning a casino game <u>or a sweepstakes;</u>	2085
(10) Claims, collects, or takes an amount of money or thing	2086
of value of greater value than the amount won in a casino game <u>or</u>	2087
<u>in a sweepstakes;</u>	2088
(11) Uses or possesses counterfeit chips or tokens in or for	2089
use in a casino game <u>or in a sweepstakes;</u>	2090
(12) Possesses a key or device designed for opening,	2091
entering, or affecting the operation of a casino game <u>or of a</u>	2092
<u>sweepstakes</u> , drop box, or an electronic or a mechanical device	2093
connected with the casino game <u>or the sweepstakes</u> , or removing	2094
coins, tokens, chips, or other contents of a casino game <u>or of a</u>	2095
<u>sweepstakes</u> . This division does not apply to a casino operator,	2096
management company, or gaming related vendor <u>licensee</u> or their	2097
agents and employees in the course of agency or employment.	2098
(13) Possesses materials used to manufacture a slug or device	2099
intended to be used in a manner that violates this chapter;	2100
(14) Operates a casino gaming <u>or sweepstakes terminal device</u>	2101
<u>gaming</u> operation in which wagering <u>or entering</u> is conducted or is	2102
to be conducted in a manner other than the manner required under	2103
this chapter.	2104
(F) The possession of more than one of the devices described	2105
in division (E)(11), (12), or (13) of this section creates a	2106
rebuttable presumption that the possessor intended to use the	2107
devices for cheating.	2108

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

Section 2. That existing sections 2915.01, 2915.03, 3772.01, 3772.03, 3772.032, 3772.033, 3772.04, 3772.06, 3772.07, 3772.09, 3772.10, 3772.17, 3772.21, 3772.23, 3772.24, 3772.30, 3772.31, and 3772.99 of the Revised Code are hereby repealed.

Section 3. Enforcement of the prize prohibitions and limitations contained in division (B)(1) of section 2915.062 of the Revised Code shall commence on the effective date of this act.

Section 4. Beginning six months after the effective date of the rules adopted by the Ohio Casino Control Commission under section 3772.03 of the Revised Code, as amended by this act, any person who conducts sweepstakes terminal device gaming without a license issued by the Commission is considered to be in violation of division (B)(2) of section 2915.062 of the Revised Code.

Section 5. Not later than thirty days after the effective date of this act, any person conducting sweepstakes terminal device gaming shall register with the Ohio Casino Control Commission on a form provided by the Commission.