

**As Introduced**

**130th General Assembly  
Regular Session  
2013-2014**

**H. B. No. 481**

**Representatives Rogers, McGregor**

**Cosponsors: Representatives Blair, Hackett, Terhar, Young, Antonio,  
Ashford, Barborak, Barnes, Bishoff, Boyce, Budish, Carney, Celebrezze,  
Cera, Clyde, Curtin, Driehaus, Fedor, Foley, Gerberry, Hagan, R., Heard,  
Letson, Lundy, Mallory, Milkovich, O'Brien, Patmon, Patterson, Phillips,  
Pillich, Ramos, Redfern, Reece, Slesnick, Stinziano, Strahorn, Sykes,  
Sheehy, Williams, Winburn**

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**A B I L L**

To amend sections 124.1310, 146.01, 146.12, 2915.01, 1  
3333.26, 4113.41, and 4765.01 and to enact section 2  
742.631 of the Revised Code to make survivors of 3  
part-time, reserve, volunteer, and certain other 4  
police officers killed in the line of duty 5  
eligible for benefits from the Ohio Public Safety 6  
Officers Death Benefit Fund; to increase the 7  
benefit payable from the Volunteer Fire Fighters' 8  
Dependents Fund to survivors of volunteer 9  
firefighters killed in the line of duty; and to 10  
make survivors of certain emergency medical 11  
personnel eligible for benefits from the Volunteer 12  
Fire Fighters' Dependents Fund. 13

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

**Section 1.** That sections 124.1310, 146.01, 146.12, 2915.01, 14  
3333.26, 4113.41, and 4765.01 be amended and section 742.631 of 15

the Revised Code be enacted to read as follows: 16

**Sec. 124.1310.** (A) As used in this section: 17

(1) "Emergency medical service," "EMT-basic," "EMT-I," "first 18  
responder," and "paramedic" have the same meanings as in section 19  
4765.01 of the Revised Code. 20

(2) "Volunteer firefighter" has the same meaning as in 21  
division (B)(1)(a) or (b) of section 146.01 of the Revised Code. 22

(B) A state employee who is an EMT-basic, EMT-I, first 23  
responder, paramedic, or volunteer firefighter shall receive forty 24  
hours of leave with pay each calendar year to use during those 25  
hours when the employee is absent from work in order to provide 26  
emergency medical service or fire-fighting service. An appointing 27  
authority shall compensate an employee who uses leave granted 28  
under this section at the employee's regular rate of pay for those 29  
regular work hours during which the employee is absent from work. 30

**Sec. 146.01.** As used in sections 146.01 to 146.19 of the 31  
Revised Code: 32

(A) "Fire department" means a volunteer fire department, a 33  
fire department of a political subdivision or fire district of 34  
this state, or a private volunteer company that has elected to 35  
participate in the volunteer fire fighters' dependents fund 36  
pursuant to section 146.02 of the Revised Code. 37

(B)(1) "Volunteer firefighter" means ~~both~~ any of the 38  
following, subject to division (B)(2) of this section: 39

(a) A duly appointed member of a fire department on either a 40  
nonpay or part-pay basis who is ineligible to be a member of the 41  
Ohio police and fire pension fund, or whose employment as a 42  
firefighter does not in itself qualify any such person for 43  
membership in the public employees retirement system, or who has 44

waived membership in the public employees retirement system; 45

(b) Firefighters drafted, requisitioned, or appointed to 46  
serve in an emergency; 47

(c) A person to whom both of the following apply: 48

(i) The person is not described in division (B)(1)(a) or (b) 49  
of this section but is employed by a fire department in a 50  
part-time or volunteer capacity, in a position in which the person 51  
is required to satisfactorily complete or have satisfactorily 52  
completed a firefighter training course approved under former 53  
section 3303.07 or section 4765.55 or conducted under section 54  
3737.33 of the Revised Code; 55

(ii) The person is not a member of the public employees 56  
retirement system, Ohio police and fire pension fund, or the 57  
Cincinnati retirement system. 58

(2)(a) A volunteer firefighter who is a member of the public 59  
employees retirement system shall be considered a volunteer 60  
firefighter for purposes of this chapter, and in particular, for 61  
purposes of divisions ~~(A)~~ and (B) to (F) of section 146.12 of the 62  
Revised Code until the firefighter has at least one and one-half 63  
years of Ohio service credit for purposes of division (B) of 64  
section 145.45 of the Revised Code; 65

(b) A volunteer firefighter who is a member of the public 66  
employees retirement system shall be considered a volunteer 67  
firefighter for purposes of this chapter and, in particular, for 68  
purposes of division ~~(C)~~(A) of section 146.12 of the Revised Code 69  
until the firefighter has at least five years of total service 70  
credit for purposes of sections 145.35 and 145.36 or section 71  
145.361 of the Revised Code. 72

(C) "Private volunteer fire company" means a company of 73  
trained volunteer firefighters having a contract to furnish fire 74  
protection or emergency service or both to a political subdivision 75

or fire district of this state. 76

(D) "Member of the fund" includes a political subdivision or 77  
fire district of this state that maintains in whole or in part a 78  
volunteer fire department or employs volunteer firefighters, and a 79  
private volunteer fire company that has elected to participate in 80  
the volunteer fire fighters' dependents fund. 81

(E) "Volunteer fire fighters' dependents fund" means the fund 82  
established by section 146.07 of the Revised Code. 83

(F) "Totally and permanently disabled" means that a volunteer 84  
firefighter is unable to engage in any substantial gainful 85  
employment for a period of not less than twelve months by reason 86  
of a medically determinable physical impairment that is permanent 87  
or presumed to be permanent. 88

(G) "Death benefit amount" means an amount equal to forty 89  
hours of work multiplied by the applicable minimum wage rate in 90  
accordance with Section 34a, Article II of the Ohio Constitution 91  
and Chapter 4111. of the Revised Code. 92

(H) "Killed in the line of duty" means either of the 93  
following: 94

(a) Death in the line of duty; 95

(b) Death from injury sustained in the line of duty, 96  
including heart attack or other fatal injury or illness caused 97  
while in the line of duty. 98

~~Sec. 146.12. Benefits shall be paid from the volunteer fire 99  
fighters' dependents fund to or on behalf of the following 100  
persons: 101~~

~~(A) To the surviving spouse of a volunteer firefighter killed 102  
while discharging the duties of a volunteer firefighter or who 103  
dies from exposure or injury received while in the discharge of 104  
those duties, a lump sum award of one thousand dollars, and, in 105~~

addition, the sum of three hundred dollars per month; 106

~~(B) To the parent, guardian, or other persons upon whom a 107  
child of a volunteer firefighter is dependent for chief support, 108  
the sum of one hundred twenty five dollars per month for each 109  
dependent child under eighteen years of age, or under twenty three 110  
years of age if the child is attending a post secondary 111  
educational institution and is completing a program of instruction 112  
each school year that satisfies the equivalent of at least 113  
two thirds of the full time curriculum requirements of the 114  
institution. 115~~

~~(C) To a (A) A volunteer firefighter, who is totally and 116  
permanently disabled while discharging the duties of a volunteer 117  
firefighter, the sum shall receive a benefit of three hundred 118  
dollars per month from the volunteer fire fighters' dependents 119  
fund. No payment shall be made to a volunteer firefighter under 120  
who is receiving the firefighter's full salary during the time of 121  
the volunteer firefighter's disability. 122~~

(B) Regardless of whether the volunteer firefighter received 123  
a benefit under division (A) of this section, death benefits shall 124  
be paid from the volunteer fire fighters' dependents fund to the 125  
surviving spouse, dependent children, or dependent parents, as 126  
applicable, of a volunteer firefighter who is killed in the line 127  
of duty. 128

(C) A surviving spouse of a volunteer firefighter who is 129  
killed in the line of duty shall receive an amount each month 130  
equal to the full death benefit amount, provided there are no 131  
surviving children eligible for a benefit under this section. A 132  
benefit paid under this division shall terminate on the death of 133  
the surviving spouse. 134

(D)(1) If a volunteer firefighter who is killed in the line 135  
of duty is survived only by a child or children, the surviving 136

child or children shall receive an amount each month equal to the 137  
full death benefit amount. If there is more than one surviving 138  
child, the benefit shall be divided equally among the children. 139

(2) If a benefit paid under this division is divided among 140  
two or more surviving children and any of the children become 141  
ineligible to receive a benefit as provided in division (G) of 142  
this section, the full death benefit amount shall be paid to the 143  
remaining eligible child or divided equally among the eligible 144  
children so that the benefit paid to the remaining eligible child 145  
or children equals the full death benefit amount. 146

(E) If a volunteer firefighter is killed in the line of duty 147  
and is survived by both a spouse and a child or children, the 148  
death benefit shall be paid as follows: 149

(1)(a) If there is a surviving spouse and one surviving 150  
child, the spouse shall receive an amount each month equal to 151  
one-half of the full death benefit amount and the child shall 152  
receive an amount each month equal to one-half of the full death 153  
benefit amount. 154

(b) If a surviving spouse dies or a surviving child becomes 155  
ineligible to receive a benefit as provided in division (G) of 156  
this section, the spouse or child remaining eligible shall receive 157  
the full death benefit amount. 158

(2)(a) If there is a surviving spouse and more than one 159  
surviving child, the spouse shall receive an amount each month 160  
equal to one-third of the full death benefit amount and the 161  
children shall receive an amount each month, equally divided among 162  
them, equal to two-thirds of the full death benefit amount. 163

(b) If a surviving spouse and more than one surviving child 164  
each are receiving a benefit under division (E)(2)(a) of this 165  
section and the spouse dies, the children shall receive an amount 166  
each month, equally divided among them, equal to the full death 167

benefit amount. 168

(c) If a surviving spouse and more than one surviving child 169  
each are receiving a benefit under division (E)(2)(a) of this 170  
section and any of the children become ineligible to receive a 171  
benefit as provided in division (G) of this section, the spouse 172  
and remaining eligible child or children shall receive a benefit 173  
as follows: 174

(i) If there are two or more remaining eligible children, the 175  
spouse shall receive an amount each month equal to one-third of 176  
the full death benefit amount and the children shall receive an 177  
amount each month, equally divided among them, equal to two-thirds 178  
of the full death benefit amount. 179

(ii) If there is one remaining eligible child, the spouse 180  
shall receive an amount each month equal to one-half of the full 181  
death benefit amount, and the child shall receive an amount each 182  
month equal to one-half of the full death benefit amount. 183

(d) If a surviving spouse and more than one surviving child 184  
each are receiving a benefit under division (E)(2)(a) of this 185  
section and all of the children become ineligible to receive a 186  
benefit as provided in division (G) of this section, the spouse 187  
shall receive the full death benefit amount. 188

(F) If a volunteer firefighter is killed in the line of duty 189  
and is survived by only a parent or parents dependent on the 190  
member for support, the surviving parent or parents shall receive 191  
an amount each month equal to the full death benefit amount. If 192  
there was more than one surviving parent dependent on the deceased 193  
firefighter for support, the benefit shall be divided equally 194  
among the parents. On the death of one of the parents, the full 195  
death benefit amount shall be paid to the other parent. 196

(G) A death benefit paid to a surviving child under division 197  
(D) or (E) of this section shall terminate on the death of the 198

child or, unless one of the following is the case, when the child reaches age eighteen: 199  
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(1) The child, because of physical or mental disability, is unable to provide the child's own support, in which case the benefit shall terminate when the disability is removed; 201  
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(2) The child is unmarried, under age twenty-two, and is attending an institution of learning or training pursuant to a program designed to complete in each school year the equivalent of at least two-thirds of the full-time curriculum requirements of the institution, as determined by the volunteer fire fighters' dependents fund. 204  
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**Sec. 742.631.** (A)(1) Notwithstanding division (A)(11) of section 742.63 of the Revised Code, "death benefit amount" means an amount equal to forty hours of work multiplied by the applicable minimum wage rate in accordance with Section 34a, Article II of the Ohio Constitution and Chapter 4111. of the Revised Code. 210  
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(2) Notwithstanding division (A)(1) of section 742.63 of the Revised Code, "member" includes any person to whom both of the following apply: 216  
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(a) The person is employed as a peace officer by a county sheriff's office or a police department of a municipal corporation, township, village, township police district, or joint police district in any of the following capacities: 219  
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(i) Auxiliary; 223

(ii) Part-time; 224

(iii) Reserve; 225

(iv) Reserve/auxiliary; 226

(v) Seasonal; 227



<u>(vi) Special;</u>	228
<u>(vii) Volunteer.</u>	229
<u>(b) The person is not a member of the public employees retirement system, Ohio police and fire pension fund, state highway patrol retirement system, or the Cincinnati retirement system.</u>	230 231 232 233
<u>(B) Death benefits shall be paid under this section from the Ohio public safety officers death benefit fund to the surviving spouse, dependent children, or dependent parents, as applicable, of a member described in division (A)(2) of this section who is killed in the line of duty.</u>	234 235 236 237 238
<u>(C) A surviving spouse of a member described in division (A)(2) of this section who is killed in the line of duty shall receive an amount each month equal to the full death benefit amount, provided there are no surviving children eligible for a benefit under this section. A benefit paid under this division shall terminate on the death of the surviving spouse.</u>	239 240 241 242 243 244
<u>(D)(1) If a member described in division (A)(2) of this section who is killed in the line of duty is survived only by a child or children, the surviving child or children shall receive an amount each month equal to the full death benefit amount. If there is more than one surviving child, the benefit shall be divided equally among the children.</u>	245 246 247 248 249 250
<u>(2) If a benefit paid under this division is divided among two or more surviving children and any of the children become ineligible to receive a benefit as provided in division (G) of this section, the full death benefit amount shall be paid to the remaining eligible child or divided equally among the eligible children so that the benefit paid to the remaining eligible child or children equals the full death benefit amount.</u>	251 252 253 254 255 256 257
<u>(E) If a member described in division (A)(2) of this section</u>	258

is killed in the line of duty and is survived by both a spouse and 259  
a child or children, the death benefit shall be paid as follows: 260

(1)(a) If there is a surviving spouse and one surviving 261  
child, the spouse shall receive an amount each month equal to 262  
one-half of the full death benefit amount and the child shall 263  
receive an amount each month equal to one-half of the full death 264  
benefit amount. 265

(b) If a surviving spouse dies or a surviving child becomes 266  
ineligible to receive a benefit as provided in division (G) of 267  
this section, the spouse or child remaining eligible shall receive 268  
the full death benefit amount. 269

(2)(a) If there is a surviving spouse and more than one 270  
surviving child, the spouse shall receive an amount each month 271  
equal to one-third of the full death benefit amount and the 272  
children shall receive an amount each month, equally divided among 273  
them, equal to two-thirds of the full death benefit amount. 274

(b) If a surviving spouse and more than one surviving child 275  
each are receiving a benefit under division (E)(2)(a) of this 276  
section and the spouse dies, the children shall receive an amount 277  
each month, equally divided among them, equal to the full death 278  
benefit amount. 279

(c) If a surviving spouse and more than one surviving child 280  
each are receiving a benefit under division (E)(2)(a) of this 281  
section and any of the children become ineligible to receive a 282  
benefit as provided in division (G) of this section, the spouse 283  
and remaining eligible child or children shall receive a benefit 284  
as follows: 285

(i) If there are two or more remaining eligible children, the 286  
spouse shall receive an amount each month equal to one-third of 287  
the full death benefit amount and the children shall receive an 288  
amount each month, equally divided among them, equal to two-thirds 289

of the full death benefit amount. 290

(ii) If there is one remaining eligible child, the spouse shall receive an amount each month equal to one-half of the full death benefit amount, and the child shall receive an amount each month equal to one-half of the full death benefit amount. 291  
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(d) If a surviving spouse and more than one surviving child each are receiving a benefit under division (E)(2)(a) of this section and all of the children become ineligible to receive a benefit as provided in division (G) of this section, the spouse shall receive the full death benefit amount. 295  
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(F) If a member described in division (A)(2) of this section is killed in the line of duty and is survived by only a parent or parents dependent on the member for support, the surviving parent or parents shall receive an amount each month equal to the full death benefit amount. If there was more than one surviving parent dependent on the deceased member for support, the benefit shall be divided equally among the parents. On the death of one of the parents, the full death benefit amount shall be paid to the other parent. 300  
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(G) A death benefit paid to a surviving child under division (D) or (E) of this section shall terminate on the death of the child or, unless one of the following is the case, when the child reaches age eighteen: 309  
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(1) The child, because of physical or mental disability, is unable to provide the child's own support, in which case the benefit shall terminate when the disability is removed; 313  
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(2) The child is unmarried, under age twenty-two, and is attending an institution of learning or training pursuant to a program designed to complete in each school year the equivalent of at least two-thirds of the full-time curriculum requirements of the institution, as determined by the Ohio police and fire pension 316  
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<u>fund board of trustees.</u>	321
<b>Sec. 2915.01.</b> As used in this chapter:	322
(A) "Bookmaking" means the business of receiving or paying off bets.	323 324
(B) "Bet" means the hazarding of anything of value upon the result of an event, undertaking, or contingency, but does not include a bona fide business risk.	325 326 327
(C) "Scheme of chance" means a slot machine unless authorized under Chapter 3772. of the Revised Code, lottery unless authorized under Chapter 3770. of the Revised Code, numbersgame, 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. "Scheme of chance" includes the use of an electronic device to reveal the results of a game entry if valuable consideration is paid, directly or indirectly, for a chance to win a prize. Valuable consideration is deemed to be paid for a chance to win a prize in the following instances:	328 329 330 331 332 333 334 335 336 337 338
(1) Less than fifty per cent of the goods or services sold by a scheme of chance operator in exchange for game entries are used or redeemed by participants at any one location;	339 340 341
(2) Less than fifty per cent of participants who purchase goods or services at any one location do not accept, use, or redeem the goods or services sold or purportedly sold;	342 343 344
(3) More than fifty per cent of prizes at any one location are revealed to participants through an electronic device simulating a game of chance or a "casino game" as defined in section 3772.01 of the Revised Code;	345 346 347 348
(4) The good or service sold by a scheme of chance operator in exchange for a game entry cannot be used or redeemed in the	349 350

manner advertised;	351
(5) A participant pays more than fair market value for goods or services offered by a scheme of chance operator in order to receive one or more game entries;	352 353 354
(6) A participant may use the electronic device to purchase additional game entries;	355 356
(7) A participant may purchase additional game entries by using points or credits won as prizes while using the electronic device;	357 358 359
(8) A scheme of chance operator pays out in prize money more than twenty per cent of the gross revenue received at one location; or	360 361 362
(9) A participant makes a purchase or exchange in order to obtain any good or service that may be used to facilitate play on the electronic device.	363 364 365
As used in this division, "electronic device" means a mechanical, video, digital, or electronic machine or device that is capable of displaying information on a screen or other mechanism and that is owned, leased, or otherwise possessed by any person conducting a scheme of chance, or by that person's partners, affiliates, subsidiaries, or contractors.	366 367 368 369 370 371
(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.	372 373 374 375
(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.	376 377 378
(F) "Gambling device" means any of the following:	379
(1) A book, totalizer, or other equipment for recording bets;	380

(2) A ticket, token, or other device representing a chance,	381
share, or interest in a scheme of chance or evidencing a bet;	382
(3) A deck of cards, dice, gaming table, roulette wheel, slot	383
machine, or other apparatus designed for use in connection with a	384
game of chance;	385
(4) Any equipment, device, apparatus, or paraphernalia	386
specially designed for gambling purposes;	387
(5) Bingo supplies sold or otherwise provided, or used, in	388
violation of this chapter.	389
(G) "Gambling offense" means any of the following:	390
(1) A violation of section 2915.02, 2915.03, 2915.04,	391
2915.05, 2915.06, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09,	392
2915.091, 2915.092, 2915.10, or 2915.11 of the Revised Code;	393
(2) A violation of an existing or former municipal ordinance	394
or law of this or any other state or the United States	395
substantially equivalent to any section listed in division (G)(1)	396
of this section or a violation of section 2915.06 of the Revised	397
Code as it existed prior to July 1, 1996;	398
(3) An offense under an existing or former municipal	399
ordinance or law of this or any other state or the United States,	400
of which gambling is an element;	401
(4) A conspiracy or attempt to commit, or complicity in	402
committing, any offense under division (G)(1), (2), or (3) of this	403
section.	404
(H) Except as otherwise provided in this chapter, "charitable	405
organization" means either of the following:	406
(1) An organization that is, and has received from the	407
internal revenue service a determination letter that currently is	408
in effect stating that the organization is, exempt from federal	409
income taxation under subsection 501(a) and described in	410

subsection 501(c)(3) of the Internal Revenue Code; 411

(2) A volunteer rescue service organization, volunteer 412  
firefighter's organization, veteran's organization, fraternal 413  
organization, or sporting organization that is exempt from federal 414  
income taxation under subsection 501(c)(4), (c)(7), (c)(8), 415  
(c)(10), or (c)(19) of the Internal Revenue Code. 416

To qualify as a "charitable organization," an organization 417  
shall have been in continuous existence as such in this state for 418  
a period of two years immediately preceding either the making of 419  
an application for a bingo license under section 2915.08 of the 420  
Revised Code or the conducting of any game of chance as provided 421  
in division (D) of section 2915.02 of the Revised Code. 422

(I) "Religious organization" means any church, body of 423  
communicants, or group that is not organized or operated for 424  
profit and that gathers in common membership for regular worship 425  
and religious observances. 426

(J) "Veteran's organization" means any individual post or 427  
state headquarters of a national veteran's association or an 428  
auxiliary unit of any individual post of a national veteran's 429  
association, which post, state headquarters, or auxiliary unit is 430  
incorporated as a nonprofit corporation and either has received a 431  
letter from the state headquarters of the national veteran's 432  
association indicating that the individual post or auxiliary unit 433  
is in good standing with the national veteran's association or has 434  
received a letter from the national veteran's association 435  
indicating that the state headquarters is in good standing with 436  
the national veteran's association. As used in this division, 437  
"national veteran's association" means any veteran's association 438  
that has been in continuous existence as such for a period of at 439  
least five years and either is incorporated by an act of the 440  
United States congress or has a national dues-paying membership of 441  
at least five thousand persons. 442

(K) "Volunteer firefighter's organization" means any 443  
organization of volunteer firefighters, as defined in division 444  
(B)(1)(a) or (b) of section 146.01 of the Revised Code, that is 445  
organized and operated exclusively to provide financial support 446  
for a volunteer fire department or a volunteer fire company and 447  
that is recognized or ratified by a county, municipal corporation, 448  
or township. 449

(L) "Fraternal organization" means any society, order, state 450  
headquarters, or association within this state, except a college 451  
or high school fraternity, that is not organized for profit, that 452  
is a branch, lodge, or chapter of a national or state 453  
organization, that exists exclusively for the common business or 454  
sodality of its members. 455

(M) "Volunteer rescue service organization" means any 456  
organization of volunteers organized to function as an emergency 457  
medical service organization, as defined in section 4765.01 of the 458  
Revised Code. 459

(N) "Charitable bingo game" means any bingo game described in 460  
division (O)(1) or (2) of this section that is conducted by a 461  
charitable organization that has obtained a license pursuant to 462  
section 2915.08 of the Revised Code and the proceeds of which are 463  
used for a charitable purpose. 464

(O) "Bingo" means either of the following: 465

(1) A game with all of the following characteristics: 466

(a) The participants use bingo cards or sheets, including 467  
paper formats and electronic representation or image formats, that 468  
are divided into twenty-five spaces arranged in five horizontal 469  
and five vertical rows of spaces, with each space, except the 470  
central space, being designated by a combination of a letter and a 471  
number and with the central space being designated as a free 472  
space. 473



(b) The participants cover the spaces on the bingo cards or 474  
sheets that correspond to combinations of letters and numbers that 475  
are announced by a bingo game operator. 476

(c) A bingo game operator announces combinations of letters 477  
and numbers that appear on objects that a bingo game operator 478  
selects by chance, either manually or mechanically, from a 479  
receptacle that contains seventy-five objects at the beginning of 480  
each game, each object marked by a different combination of a 481  
letter and a number that corresponds to one of the seventy-five 482  
possible combinations of a letter and a number that can appear on 483  
the bingo cards or sheets. 484

(d) The winner of the bingo game includes any participant who 485  
properly announces during the interval between the announcements 486  
of letters and numbers as described in division (O)(1)(c) of this 487  
section, that a predetermined and preannounced pattern of spaces 488  
has been covered on a bingo card or sheet being used by the 489  
participant. 490

(2) Instant bingo, punch boards, and raffles. 491

(P) "Conduct" means to back, promote, organize, manage, carry 492  
on, sponsor, or prepare for the operation of bingo or a game of 493  
chance, a scheme of chance, or a sweepstakes. 494

(Q) "Bingo game operator" means any person, except security 495  
personnel, who performs work or labor at the site of bingo, 496  
including, but not limited to, collecting money from participants, 497  
handing out bingo cards or sheets or objects to cover spaces on 498  
bingo cards or sheets, selecting from a receptacle the objects 499  
that contain the combination of letters and numbers that appear on 500  
bingo cards or sheets, calling out the combinations of letters and 501  
numbers, distributing prizes, selling or redeeming instant bingo 502  
tickets or cards, supervising the operation of a punch board, 503  
selling raffle tickets, selecting raffle tickets from a receptacle 504

and announcing the winning numbers in a raffle, and preparing, 505  
selling, and serving food or beverages. 506

(R) "Participant" means any person who plays bingo. 507

(S) "Bingo session" means a period that includes both of the 508  
following: 509

(1) Not to exceed five continuous hours for the conduct of 510  
one or more games described in division (O)(1) of this section, 511  
instant bingo, and seal cards; 512

(2) A period for the conduct of instant bingo and seal cards 513  
for not more than two hours before and not more than two hours 514  
after the period described in division (S)(1) of this section. 515

(T) "Gross receipts" means all money or assets, including 516  
admission fees, that a person receives from bingo without the 517  
deduction of any amounts for prizes paid out or for the expenses 518  
of conducting bingo. "Gross receipts" does not include any money 519  
directly taken in from the sale of food or beverages by a 520  
charitable organization conducting bingo, or by a bona fide 521  
auxiliary unit or society of a charitable organization conducting 522  
bingo, provided all of the following apply: 523

(1) The auxiliary unit or society has been in existence as a 524  
bona fide auxiliary unit or society of the charitable organization 525  
for at least two years prior to conducting bingo. 526

(2) The person who purchases the food or beverage receives 527  
nothing of value except the food or beverage and items customarily 528  
received with the purchase of that food or beverage. 529

(3) The food and beverages are sold at customary and 530  
reasonable prices. 531

(U) "Security personnel" includes any person who either is a 532  
sheriff, deputy sheriff, marshal, deputy marshal, township 533  
constable, or member of an organized police department of a 534

municipal corporation or has successfully completed a peace officer's training course pursuant to sections 109.71 to 109.79 of the Revised Code and who is hired to provide security for the premises on which bingo is conducted.

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

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

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

(3) A fraternal organization that has been in continuous

existence in this state for fifteen years and that uses the net 567  
profit exclusively for religious, charitable, scientific, 568  
literary, or educational purposes, or for the prevention of 569  
cruelty to children or animals, if contributions for such use 570  
would qualify as a deductible charitable contribution under 571  
subsection 170 of the Internal Revenue Code; 572

(4) A volunteer firefighter's organization that uses the net 573  
profit for the purposes set forth in division (K) of this section. 574

(W) "Internal Revenue Code" means the "Internal Revenue Code 575  
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 576  
amended. 577

(X) "Youth athletic organization" means any organization, not 578  
organized for profit, that is organized and operated exclusively 579  
to provide financial support to, or to operate, athletic 580  
activities for persons who are twenty-one years of age or younger 581  
by means of sponsoring, organizing, operating, or contributing to 582  
the support of an athletic team, club, league, or association. 583

(Y) "Youth athletic park organization" means any 584  
organization, not organized for profit, that satisfies both of the 585  
following: 586

(1) It owns, operates, and maintains playing fields that 587  
satisfy both of the following: 588

(a) The playing fields are used at least one hundred days per 589  
year for athletic activities by one or more organizations, not 590  
organized for profit, each of which is organized and operated 591  
exclusively to provide financial support to, or to operate, 592  
athletic activities for persons who are eighteen years of age or 593  
younger by means of sponsoring, organizing, operating, or 594  
contributing to the support of an athletic team, club, league, or 595  
association. 596

(b) The playing fields are not used for any profit-making 597

activity at any time during the year. 598

(2) It uses the proceeds of bingo it conducts exclusively for 599  
the operation, maintenance, and improvement of its playing fields 600  
of the type described in division (Y)(1) of this section. 601

(Z) "Bingo supplies" means bingo cards or sheets; instant 602  
bingo tickets or cards; electronic bingo aids; raffle tickets; 603  
punch boards; seal cards; instant bingo ticket dispensers; and 604  
devices for selecting or displaying the combination of bingo 605  
letters and numbers or raffle tickets. Items that are "bingo 606  
supplies" are not gambling devices if sold or otherwise provided, 607  
and used, in accordance with this chapter. For purposes of this 608  
chapter, "bingo supplies" are not to be considered equipment used 609  
to conduct a bingo game. 610

(AA) "Instant bingo" means a form of bingo that shall use 611  
folded or banded tickets or paper cards with perforated break-open 612  
tabs, a face of which is covered or otherwise hidden from view to 613  
conceal a number, letter, or symbol, or set of numbers, letters, 614  
or symbols, some of which have been designated in advance as prize 615  
winners, and may also include games in which some winners are 616  
determined by the random selection of one or more bingo numbers by 617  
the use of a seal card or bingo blower. In all "instant bingo" the 618  
prize amount and structure shall be predetermined. "Instant bingo" 619  
does not include any device that is activated by the insertion of 620  
a coin, currency, token, or an equivalent, and that contains as 621  
one of its components a video display monitor that is capable of 622  
displaying numbers, letters, symbols, or characters in winning or 623  
losing combinations. 624

(BB) "Seal card" means a form of instant bingo that uses 625  
instant bingo tickets in conjunction with a board or placard that 626  
contains one or more seals that, when removed or opened, reveal 627  
predesignated winning numbers, letters, or symbols. 628

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

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

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

(DD) "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.

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

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

(GG) "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;	659 660
(3) Bank fees and service charges for a bingo session or game account described in section 2915.10 of the Revised Code;	661 662
(4) Audits and accounting services;	663
(5) Safes;	664
(6) Cash registers;	665
(7) Hiring security personnel;	666
(8) Advertising bingo;	667
(9) Renting premises in which to conduct a bingo session;	668
(10) Tables and chairs;	669
(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;	670 671 672 673
(12) Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;	674 675
(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.	676 677 678 679
(HH) "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.	680 681 682
(II) "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.	683 684 685 686
(JJ) "Suspend" means to interrupt temporarily all rights and	687

privileges of the holder of a license issued under section 688  
2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable 689  
gaming license issued by another jurisdiction. 690

(KK) "Distributor" means any person who purchases or obtains 691  
bingo supplies and who does either of the following: 692

(1) Sells, offers for sale, or otherwise provides or offers 693  
to provide the bingo supplies to another person for use in this 694  
state; 695

(2) Modifies, converts, adds to, or removes parts from the 696  
bingo supplies to further their promotion or sale for use in this 697  
state. 698

(LL) "Manufacturer" means any person who assembles completed 699  
bingo supplies from raw materials, other items, or subparts or who 700  
modifies, converts, adds to, or removes parts from bingo supplies 701  
to further their promotion or sale. 702

(MM) "Gross annual revenues" means the annual gross receipts 703  
derived from the conduct of bingo described in division (O)(1) of 704  
this section plus the annual net profit derived from the conduct 705  
of bingo described in division (O)(2) of this section. 706

(NN) "Instant bingo ticket dispenser" means a mechanical 707  
device that dispenses an instant bingo ticket or card as the sole 708  
item of value dispensed and that has the following 709  
characteristics: 710

(1) It is activated upon the insertion of United States 711  
currency. 712

(2) It performs no gaming functions. 713

(3) It does not contain a video display monitor or generate 714  
noise. 715

(4) It is not capable of displaying any numbers, letters, 716  
symbols, or characters in winning or losing combinations. 717



(5) It does not simulate or display rolling or spinning reels.	718 719
(6) It is incapable of determining whether a dispensed bingo ticket or card is a winning or nonwinning ticket or card and requires a winning ticket or card to be paid by a bingo game operator.	720 721 722 723
(7) It may provide accounting and security features to aid in accounting for the instant bingo tickets or cards it dispenses.	724 725
(8) It is not part of an electronic network and is not interactive.	726 727
(OO)(1) "Electronic bingo aid" means an electronic device used by a participant to monitor bingo cards or sheets purchased at the time and place of a bingo session and that does all of the following:	728 729 730 731
(a) It provides a means for a participant to input numbers and letters announced by a bingo caller.	732 733
(b) It compares the numbers and letters entered by the participant to the bingo faces previously stored in the memory of the device.	734 735 736
(c) It identifies a winning bingo pattern.	737
(2) "Electronic bingo aid" does not include any device into which a coin, currency, token, or an equivalent is inserted to activate play.	738 739 740
(PP) "Deal of instant bingo tickets" means a single game of instant bingo tickets all with the same serial number.	741 742
(QQ)(1) "Slot machine" means either of the following:	743
(a) Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player who gives the thing of value in the hope of gain;	744 745 746 747

(b) Any mechanical, electronic, video, or digital device that 748  
is capable of accepting anything of value, directly or indirectly, 749  
from or on behalf of a player to conduct bingo or a scheme or game 750  
of chance. 751

(2) "Slot machine" does not include a skill-based amusement 752  
machine or an instant bingo ticket dispenser. 753

(RR) "Net profit from the proceeds of the sale of instant 754  
bingo" means gross profit minus the ordinary, necessary, and 755  
reasonable expense expended for the purchase of instant bingo 756  
supplies, and, in the case of instant bingo conducted by a 757  
veteran's, fraternal, or sporting organization, minus the payment 758  
by that organization of real property taxes and assessments levied 759  
on a premises on which instant bingo is conducted. 760

(SS) "Charitable instant bingo organization" means an 761  
organization that is exempt from federal income taxation under 762  
subsection 501(a) and described in subsection 501(c)(3) of the 763  
Internal Revenue Code and is a charitable organization as defined 764  
in this section. A "charitable instant bingo organization" does 765  
not include a charitable organization that is exempt from federal 766  
income taxation under subsection 501(a) and described in 767  
subsection 501(c)(3) of the Internal Revenue Code and that is 768  
created by a veteran's organization, a fraternal organization, or 769  
a sporting organization in regards to bingo conducted or assisted 770  
by a veteran's organization, a fraternal organization, or a 771  
sporting organization pursuant to section 2915.13 of the Revised 772  
Code. 773

(TT) "Game flare" means the board or placard that accompanies 774  
each deal of instant bingo tickets and that has printed on or 775  
affixed to it the following information for the game: 776

(1) The name of the game; 777

(2) The manufacturer's name or distinctive logo; 778

(3) The form number;	779
(4) The ticket count;	780
(5) The prize structure, including the number of winning instant bingo tickets by denomination and the respective winning symbol or number combinations for the winning instant bingo tickets;	781 782 783 784
(6) The cost per play;	785
(7) The serial number of the game.	786
(UU)(1) "Skill-based amusement machine" means a mechanical, video, digital, or electronic device that rewards the player or players, if at all, only with merchandise prizes or with redeemable vouchers redeemable only for merchandise prizes, provided that with respect to rewards for playing the game all of the following apply:	787 788 789 790 791 792
(a) The wholesale value of a merchandise prize awarded as a result of the single play of a machine does not exceed ten dollars;	793 794 795
(b) Redeemable vouchers awarded for any single play of a machine are not redeemable for a merchandise prize with a wholesale value of more than ten dollars;	796 797 798
(c) Redeemable vouchers are not redeemable for a merchandise prize that has a wholesale value of more than ten dollars times the fewest number of single plays necessary to accrue the redeemable vouchers required to obtain that prize; and	799 800 801 802
(d) Any redeemable vouchers or merchandise prizes are distributed at the site of the skill-based amusement machine at the time of play.	803 804 805
A card for the purchase of gasoline is a redeemable voucher for purposes of division (UU)(1) of this section even if the skill-based amusement machine for the play of which the card is	806 807 808

awarded is located at a place where gasoline may not be legally 809  
distributed to the public or the card is not redeemable at the 810  
location of, or at the time of playing, the skill-based amusement 811  
machine. 812

(2) A device shall not be considered a skill-based amusement 813  
machine and shall be considered a slot machine if it pays cash or 814  
one or more of the following apply: 815

(a) The ability of a player to succeed at the game is 816  
impacted by the number or ratio of prior wins to prior losses of 817  
players playing the game. 818

(b) Any reward of redeemable vouchers is not based solely on 819  
the player achieving the object of the game or the player's score; 820

(c) The outcome of the game, or the value of the redeemable 821  
voucher or merchandise prize awarded for winning the game, can be 822  
controlled by a source other than any player playing the game. 823

(d) The success of any player is or may be determined by a 824  
chance event that cannot be altered by player actions. 825

(e) The ability of any player to succeed at the game is 826  
determined by game features not visible or known to the player. 827

(f) The ability of the player to succeed at the game is 828  
impacted by the exercise of a skill that no reasonable player 829  
could exercise. 830

(3) All of the following apply to any machine that is 831  
operated as described in division (UU)(1) of this section: 832

(a) As used in division (UU) of this section, "game" and 833  
"play" mean one event from the initial activation of the machine 834  
until the results of play are determined without payment of 835  
additional consideration. An individual utilizing a machine that 836  
involves a single game, play, contest, competition, or tournament 837  
may be awarded redeemable vouchers or merchandise prizes based on 838

the results of play. 839

(b) Advance play for a single game, play, contest, 840  
competition, or tournament participation may be purchased. The 841  
cost of the contest, competition, or tournament participation may 842  
be greater than a single noncontest, competition, or tournament 843  
play. 844

(c) To the extent that the machine is used in a contest, 845  
competition, or tournament, that contest, competition, or 846  
tournament has a defined starting and ending date and is open to 847  
participants in competition for scoring and ranking results toward 848  
the awarding of redeemable vouchers or merchandise prizes that are 849  
stated prior to the start of the contest, competition, or 850  
tournament. 851

(4) For purposes of division (UU)(1) of this section, the 852  
mere presence of a device, such as a pin-setting, ball-releasing, 853  
or scoring mechanism, that does not contribute to or affect the 854  
outcome of the play of the game does not make the device a 855  
skill-based amusement machine. 856

(VV) "Merchandise prize" means any item of value, but shall 857  
not include any of the following: 858

(1) Cash, gift cards, or any equivalent thereof; 859

(2) Plays on games of chance, state lottery tickets, bingo, 860  
or instant bingo; 861

(3) Firearms, tobacco, or alcoholic beverages; or 862

(4) A redeemable voucher that is redeemable for any of the 863  
items listed in division (VV)(1), (2), or (3) of this section. 864

(WW) "Redeemable voucher" means any ticket, token, coupon, 865  
receipt, or other noncash representation of value. 866

(XX) "Pool not conducted for profit" means a scheme in which 867  
a participant gives a valuable consideration for a chance to win a 868

prize and the total amount of consideration wagered is distributed 869  
to a participant or participants. 870

(YY) "Sporting organization" means a hunting, fishing, or 871  
trapping organization, other than a college or high school 872  
fraternity or sorority, that is not organized for profit, that is 873  
affiliated with a state or national sporting organization, 874  
including but not limited to, the league of Ohio sportsmen, and 875  
that has been in continuous existence in this state for a period 876  
of three years. 877

(ZZ) "Community action agency" has the same meaning as in 878  
section 122.66 of the Revised Code. 879

(AAA)(1) "Sweepstakes terminal device" means a mechanical, 880  
video, digital, or electronic machine or device that is owned, 881  
leased, or otherwise possessed by any person conducting a 882  
sweepstakes, or by that person's partners, affiliates, 883  
subsidiaries, or contractors, that is intended to be used by a 884  
sweepstakes participant, and that is capable of displaying 885  
information on a screen or other mechanism. A device is a 886  
sweepstakes terminal device if any of the following apply: 887

(a) The device uses a simulated game terminal as a 888  
representation of the prizes associated with the results of the 889  
sweepstakes entries. 890

(b) The device utilizes software such that the simulated game 891  
influences or determines the winning of or value of the prize. 892

(c) The device selects prizes from a predetermined finite 893  
pool of entries. 894

(d) The device utilizes a mechanism that reveals the content 895  
of a predetermined sweepstakes entry. 896

(e) The device predetermines the prize results and stores 897  
those results for delivery at the time the sweepstakes entry 898

results are revealed.	899
(f) The device utilizes software to create a game result.	900
(g) The device reveals the prize incrementally, even though the device does not influence the awarding of the prize or the value of any prize awarded.	901 902 903
(h) The device determines and associates the prize with an entry or entries at the time the sweepstakes is entered.	904 905
(2) As used in this division and in section 2915.02 of the Revised Code:	906 907
(a) "Enter" means the act by which a person becomes eligible to receive any prize offered in a sweepstakes.	908 909
(b) "Entry" means one event from the initial activation of the sweepstakes terminal device until all the sweepstakes prize results from that activation are revealed.	910 911 912
(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.	913 914 915 916 917
(d) "Sweepstakes terminal device facility" means any location in this state where a sweepstakes terminal device is provided to a sweepstakes participant, except as provided in division (G) of section 2915.02 of the Revised Code.	918 919 920 921
(BBB) "Sweepstakes" means any game, contest, advertising scheme or plan, or other promotion where consideration is not required for a person to enter to win or become eligible to receive any prize, the determination of which is based upon chance. "Sweepstakes" does not include bingo as authorized under this chapter, pari-mutuel wagering as authorized by Chapter 3769. of the Revised Code, lotteries conducted by the state lottery	922 923 924 925 926 927 928

commission as authorized by Chapter 3770. of the Revised Code, and 929  
casino gaming as authorized by Chapter 3772. of the Revised Code. 930

**Sec. 3333.26.** (A) Any citizen of this state who has resided 931  
within the state for one year, who was in the active service of 932  
the United States as a soldier, sailor, nurse, or marine between 933  
April 6, 1917, and November 11, 1918, and who has been honorably 934  
discharged from that service, shall be admitted to any school, 935  
college, or university that receives state funds in support 936  
thereof, without being required to pay any tuition or 937  
matriculation fee, but is not relieved from the payment of 938  
laboratory or similar fees. 939

(B)(1) As used in this division: 940

(a) "Volunteer firefighter" has the meaning as in division 941  
(B)(1)(a) or (b) of section 146.01 of the Revised Code. 942

(b) "Public service officer" means an Ohio firefighter, 943  
volunteer firefighter, police officer, member of the state highway 944  
patrol, employee designated to exercise the powers of police 945  
officers pursuant to section 1545.13 of the Revised Code, or other 946  
peace officer as defined by division (B) of section 2935.01 of the 947  
Revised Code, or a person holding any equivalent position in 948  
another state. 949

(c) "Qualified former spouse" means the former spouse of a 950  
public service officer, or of a member of the armed services of 951  
the United States, who is the custodial parent of a minor child of 952  
that marriage pursuant to an order allocating the parental rights 953  
and responsibilities for care of the child issued pursuant to 954  
section 3109.04 of the Revised Code. 955

(d) "Operation enduring freedom" means that period of 956  
conflict which began October 7, 2001, and ends on a date declared 957  
by the president of the United States or the congress. 958



(e) "Operation Iraqi freedom" means that period of conflict 959  
which began March 20, 2003, and ends on a date declared by the 960  
president of the United States or the congress. 961

(f) "Combat zone" means an area that the president of the 962  
United States by executive order designates, for purposes of 26 963  
U.S.C. 112, as an area in which armed forces of the United States 964  
are or have engaged in combat. 965

(2) Any resident of this state who is under twenty-six years 966  
of age, or under thirty years of age if the resident has been 967  
honorably discharged from the armed services of the United States, 968  
who is the child of a public service officer killed in the line of 969  
duty or of a member of the armed services of the United States 970  
killed in the line of duty during operation enduring freedom or 971  
operation Iraqi freedom, and who is admitted to any state 972  
university or college as defined in division (A)(1) of section 973  
3345.12 of the Revised Code, community college, state community 974  
college, university branch, or technical college shall not be 975  
required to pay any tuition or any student fee for up to four 976  
academic years of education, which shall be at the undergraduate 977  
level. 978

A child of a member of the armed services of the United 979  
States killed in the line of duty during operation enduring 980  
freedom or operation Iraqi freedom is eligible for a waiver of 981  
tuition and student fees under this division only if the student 982  
is not eligible for a war orphans scholarship authorized by 983  
Chapter 5910. of the Revised Code. In any year in which the war 984  
orphans scholarship board reduces the percentage of tuition 985  
covered by a war orphans scholarship below one hundred per cent 986  
pursuant to division (A) of section 5910.04 of the Revised Code, 987  
the waiver of tuition and student fees under this division for a 988  
child of a member of the armed services of the United States 989  
killed in the line of duty during operation enduring freedom or 990

operation Iraqi freedom shall be reduced by the same percentage. 991

(3) Any resident of this state who is the spouse or qualified 992  
former spouse of a public service officer killed in the line of 993  
duty, and who is admitted to any state university or college as 994  
defined in division (A)(1) of section 3345.12 of the Revised Code, 995  
community college, state community college, university branch, or 996  
technical college, shall not be required to pay any tuition or any 997  
student fee for up to four academic years of education, which 998  
shall be at the undergraduate level. 999

(4) Any resident of this state who is the spouse or qualified 1000  
former spouse of a member of the armed services of the United 1001  
States killed in the line of duty while serving in a combat zone 1002  
after May 7, 1975, and who is admitted to any state university or 1003  
college as defined in division (A)(1) of section 3345.12 of the 1004  
Revised Code, community college, state community college, 1005  
university branch, or technical college, shall not be required to 1006  
pay any tuition or any student fee for up to four years of 1007  
academic education, which shall be at the undergraduate level. In 1008  
order to qualify under division (B)(4) of this section, the spouse 1009  
or qualified former spouse shall have been a resident of this 1010  
state at the time the member was killed in the line of duty. 1011

(C) Any institution that is not subject to division (B) of 1012  
this section and that holds a valid certificate of registration 1013  
issued under Chapter 3332. of the Revised Code, a valid 1014  
certificate issued under Chapter 4709. of the Revised Code, or a 1015  
valid license issued under Chapter 4713. of the Revised Code, or 1016  
that is nonprofit and has a certificate of authorization issued 1017  
under section 1713.02 of the Revised Code, or that is a private 1018  
institution exempt from regulation under Chapter 3332. of the 1019  
Revised Code as prescribed in section 3333.046 of the Revised 1020  
Code, which reduces tuition and student fees of a student who is 1021  
eligible to attend an institution of higher education under the 1022

provisions of division (B) of this section by an amount indicated 1023  
by the chancellor of the Ohio board of regents shall be eligible 1024  
to receive a grant in that amount from the chancellor. 1025

Each institution that enrolls students under division (B) of 1026  
this section shall report to the chancellor, by the first day of 1027  
July of each year, the number of students who were so enrolled and 1028  
the average amount of all such tuition and student fees waived 1029  
during the preceding year. The chancellor shall determine the 1030  
average amount of all such tuition and student fees waived during 1031  
the preceding year. The average amount of the tuition and student 1032  
fees waived under division (B) of this section during the 1033  
preceding year shall be the amount of grants that participating 1034  
institutions shall receive under this division during the current 1035  
year, but no grant under this division shall exceed the tuition 1036  
and student fees due and payable by the student prior to the 1037  
reduction referred to in this division. The grants shall be made 1038  
for four years of undergraduate education of an eligible student. 1039

**Sec. 4113.41.** (A) No employer shall terminate an employee who 1040  
is a member of a volunteer fire department, or who is employed by 1041  
a political subdivision of this state as a volunteer firefighter, 1042  
or who is a volunteer provider of emergency medical services 1043  
because that employee, when acting as a volunteer firefighter or a 1044  
volunteer provider of emergency medical services, is absent from 1045  
or late to the employee's employment in order to respond to an 1046  
emergency prior to the time the employee is to report to work. An 1047  
employer may charge any time that an employee who is a volunteer 1048  
firefighter or a volunteer provider of emergency medical services 1049  
loses from employment because of the employee's response to an 1050  
emergency against the employee's regular pay. 1051

(B) An employee who is a volunteer firefighter or volunteer 1052  
provider of emergency medical services shall do all of the 1053

following: 1054

(1) Not later than thirty days after receiving certification 1055  
as a volunteer firefighter or a volunteer provider of emergency 1056  
services, submit to the employee's employer a written notification 1057  
signed by the chief of the volunteer fire department with which 1058  
the employee serves, or the medical director or chief 1059  
administrator of the cooperating physician advisory board of the 1060  
emergency medical organization with which the employee serves, to 1061  
notify the employer of the employee's status as a volunteer 1062  
firefighter or volunteer provider of emergency services; 1063

(2) Make every effort to notify the employee's employer that 1064  
the employee may report late to or be absent from work due to the 1065  
employee's dispatch to an emergency. 1066

If notification of dispatch to an emergency cannot be made 1067  
either due to the extreme circumstances of the emergency or the 1068  
inability to contact the employer, then the employee shall submit 1069  
to the employee's employer a written explanation from the chief of 1070  
the volunteer fire department with which the employee serves, or 1071  
the medical director or chief administrator of the cooperating 1072  
physician advisory board of the emergency medical service 1073  
organization with which the employee serves, as applicable, to 1074  
explain why prior notice was not given. 1075

(C) At the employer's request, an employee who loses time 1076  
from the employee's employment to respond to an emergency shall 1077  
provide the employer with a written statement from the chief of 1078  
the volunteer fire department or the medical director or chief 1079  
administrator of the cooperating physician advisory board of the 1080  
emergency medical service organization, as applicable, stating 1081  
that the employee responded to an emergency and listing the time 1082  
of that response. 1083

(D) An employee who is a member of a volunteer fire 1084

department, or who is employed by a political subdivision of this 1085  
state as a volunteer firefighter, or who is a volunteer provider 1086  
of emergency medical services shall notify that employee's 1087  
employer when the employee's status as a volunteer firefighter or 1088  
volunteer provider of emergency medical services changes, 1089  
including when the employee's status as a volunteer firefighter or 1090  
volunteer provider of emergency medical services is terminated. 1091

(E) If an employer purposely violates division (A) of this 1092  
section, the employee may bring a civil action for reinstatement 1093  
to the employee's former position of employment, payment of back 1094  
wages, and full reinstatement of fringe benefits and seniority 1095  
rights. An action to enforce this section shall be commenced 1096  
within one year after the date of the violation in the court of 1097  
common pleas of the county where the place of employment is 1098  
located. 1099

(F) As used in this section: 1100

(1) "Emergency" means going to, attending to, or coming from 1101  
a fire, hazardous or toxic materials spill and cleanup, medical 1102  
emergency, or other situation that poses an imminent threat of 1103  
loss of life or property to which the fire department or provider 1104  
of emergency medical services has been or later could be 1105  
dispatched. 1106

(2) "Emergency medical services" and "emergency medical 1107  
service organization" have the same meanings as in section 4765.01 1108  
of the Revised Code. 1109

(3) "Volunteer firefighter" has the same meaning as in 1110  
division (B)(1)(a) or (b) of section 146.01 of the Revised Code. 1111

**Sec. 4765.01.** As used in this chapter: 1112

(A) "First responder" means an individual who holds a 1113  
current, valid certificate issued under section 4765.30 of the 1114

Revised Code to practice as a first responder. 1115

(B) "Emergency medical technician-basic" or "EMT-basic" means 1116  
an individual who holds a current, valid certificate issued under 1117  
section 4765.30 of the Revised Code to practice as an emergency 1118  
medical technician-basic. 1119

(C) "Emergency medical technician-intermediate" or "EMT-I" 1120  
means an individual who holds a current, valid certificate issued 1121  
under section 4765.30 of the Revised Code to practice as an 1122  
emergency medical technician-intermediate. 1123

(D) "Emergency medical technician-paramedic" or "paramedic" 1124  
means an individual who holds a current, valid certificate issued 1125  
under section 4765.30 of the Revised Code to practice as an 1126  
emergency medical technician-paramedic. 1127

(E) "Ambulance" means any motor vehicle that is used, or is 1128  
intended to be used, for the purpose of responding to emergency 1129  
medical situations, transporting emergency patients, and 1130  
administering emergency medical service to patients before, 1131  
during, or after transportation. 1132

(F) "Cardiac monitoring" means a procedure used for the 1133  
purpose of observing and documenting the rate and rhythm of a 1134  
patient's heart by attaching electrical leads from an 1135  
electrocardiograph monitor to certain points on the patient's body 1136  
surface. 1137

(G) "Emergency medical service" means any of the services 1138  
described in sections 4765.35, 4765.37, 4765.38, and 4765.39 of 1139  
the Revised Code that are performed by first responders, emergency 1140  
medical technicians-basic, emergency medical 1141  
technicians-intermediate, and paramedics. "Emergency medical 1142  
service" includes such services performed before or during any 1143  
transport of a patient, including transports between hospitals and 1144  
transports to and from helicopters. 1145

(H) "Emergency medical service organization" means a public or private organization using first responders, EMTs-basic, EMTs-I, or paramedics, or a combination of first responders, EMTs-basic, EMTs-I, and paramedics, to provide emergency medical services.

(I) "Physician" means an individual who holds a current, valid certificate issued under Chapter 4731. of the Revised Code authorizing the practice of medicine and surgery or osteopathic medicine and surgery.

(J) "Registered nurse" means an individual who holds a current, valid license issued under Chapter 4723. of the Revised Code authorizing the practice of nursing as a registered nurse.

(K) "Volunteer" means a person who provides services either for no compensation or for compensation that does not exceed the actual expenses incurred in providing the services or in training to provide the services.

(L) "Emergency medical service personnel" means first responders, emergency medical service technicians-basic, emergency medical service technicians-intermediate, emergency medical service technicians-paramedic, and persons who provide medical direction to such persons.

(M) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

(N) "Trauma" or "traumatic injury" means severe damage to or destruction of tissue that satisfies both of the following conditions:

(1) It creates a significant risk of any of the following:

(a) Loss of life;

(b) Loss of a limb;

(c) Significant, permanent disfigurement;

(d) Significant, permanent disability.	1176
(2) It is caused by any of the following:	1177
(a) Blunt or penetrating injury;	1178
(b) Exposure to electromagnetic, chemical, or radioactive energy;	1179 1180
(c) Drowning, suffocation, or strangulation;	1181
(d) A deficit or excess of heat.	1182
(O) "Trauma victim" or "trauma patient" means a person who has sustained a traumatic injury.	1183 1184
(P) "Trauma care" means the assessment, diagnosis, transportation, treatment, or rehabilitation of a trauma victim by emergency medical service personnel or by a physician, nurse, physician assistant, respiratory therapist, physical therapist, chiropractor, occupational therapist, speech-language pathologist, audiologist, or psychologist licensed to practice as such in this state or another jurisdiction.	1185 1186 1187 1188 1189 1190 1191
(Q) "Trauma center" means all of the following:	1192
(1) Any hospital that is verified by the American college of surgeons as an adult or pediatric trauma center;	1193 1194
(2) Any hospital that is operating as an adult or pediatric trauma center under provisional status pursuant to section 3727.101 of the Revised Code;	1195 1196 1197
(3) Until December 31, 2004, any hospital in this state that is designated by the director of health as a level II pediatric trauma center under section 3727.081 of the Revised Code;	1198 1199 1200
(4) Any hospital in another state that is licensed or designated under the laws of that state as capable of providing specialized trauma care appropriate to the medical needs of the trauma patient.	1201 1202 1203 1204



(R) "Pediatric" means involving a patient who is less than sixteen years of age.	1205 1206
(S) "Adult" means involving a patient who is not a pediatric patient.	1207 1208
(T) "Geriatric" means involving a patient who is at least seventy years old or exhibits significant anatomical or physiological characteristics associated with advanced aging.	1209 1210 1211
(U) "Air medical organization" means an organization that provides emergency medical services, or transports emergency victims, by means of fixed or rotary wing aircraft.	1212 1213 1214
(V) "Emergency care" and "emergency facility" have the same meanings as in section 3727.01 of the Revised Code.	1215 1216
(W) "Stabilize," except as it is used in division (B) of section 4765.35 of the Revised Code with respect to the manual stabilization of fractures, has the same meaning as in section 1753.28 of the Revised Code.	1217 1218 1219 1220
(X) "Transfer" has the same meaning as in section 1753.28 of the Revised Code.	1221 1222
(Y) "Firefighter" means any member of a fire department as defined in section 742.01 of the Revised Code.	1223 1224
(Z) "Volunteer firefighter" has the same meaning as in <u>division (B)(1)(a) or (b) of section 146.01</u> of the Revised Code.	1225 1226
(AA) "Part-time paid firefighter" means a person who provides firefighting services on less than a full-time basis, is routinely scheduled to be present on site at a fire station or other designated location for purposes of responding to a fire or other emergency, and receives more than nominal compensation for the provision of firefighting services.	1227 1228 1229 1230 1231 1232
(BB) "Physician assistant" means an individual who holds a valid certificate to practice as a physician assistant issued	1233 1234

under Chapter 4730. of the Revised Code. 1235

**Section 2.** That existing sections 124.1310, 146.01, 146.12, 1236  
2915.01, 3333.26, 4113.41, and 4765.01 of the Revised Code are 1237  
hereby repealed. 1238