

**As Reported by the House Policy and Legislative Oversight
Committee**

**130th General Assembly
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Am. H. B. No. 491

Representatives Buchy, Blessing

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A B I L L

To amend sections 119.12, 2915.01, 2915.03, 2915.06, 1
2915.061, 3770.01, 3770.02, 3770.05, 3772.01, 2
3772.02, 3772.03, 3772.032, 3772.033, 3772.04, 3
3772.06, 3772.07, 3772.10, 3772.12, 3772.121, 4
3772.15, 3772.17, 3772.21, 3772.23, 3772.25, 5
3772.31, and 3772.99 and to enact sections 6
2915.062 and 3772.14 of the Revised Code to make 7
various changes to the Gambling Law, Lottery Law, 8
and Casino Law. 9

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

Section 1. That sections 119.12, 2915.01, 2915.03, 2915.06, 10
2915.061, 3770.01, 3770.02, 3770.05, 3772.01, 3772.02, 3772.03, 11
3772.032, 3772.033, 3772.04, 3772.06, 3772.07, 3772.10, 3772.12, 12
3772.121, 3772.15, 3772.17, 3772.21, 3772.23, 3772.25, 3772.31, 13
and 3772.99 be amended and sections 2915.062 and 3772.14 of the 14
Revised Code be enacted to read as follows: 15

Sec. 119.12. Any party adversely affected by any order of an 16
agency issued pursuant to an adjudication denying an applicant 17
admission to an examination, or denying the issuance or renewal of 18
a license or registration of a licensee, or revoking or suspending 19

a license, or allowing the payment of a forfeiture under section 20
4301.252 of the Revised Code may appeal from the order of the 21
agency to the court of common pleas of the county in which the 22
place of business of the licensee is located or the county in 23
which the licensee is a resident, except that appeals from 24
decisions of the liquor control commission, the Ohio casino 25
control commission, the state medical board, state chiropractic 26
board, and the board of nursing shall be to the court of common 27
pleas of Franklin county. If any party appealing from the order is 28
not a resident of and has no place of business in this state, the 29
party may appeal to the court of common pleas of Franklin county. 30

Any party adversely affected by any order of an agency issued 31
pursuant to any other adjudication may appeal to the court of 32
common pleas of Franklin county, except that appeals from orders 33
of the fire marshal issued under Chapter 3737. of the Revised Code 34
may be to the court of common pleas of the county in which the 35
building of the aggrieved person is located and except that 36
appeals under division (B) of section 124.34 of the Revised Code 37
from a decision of the state personnel board of review or a 38
municipal or civil service township civil service commission shall 39
be taken to the court of common pleas of the county in which the 40
appointing authority is located or, in the case of an appeal by 41
the department of rehabilitation and correction, to the court of 42
common pleas of Franklin county. 43

This section does not apply to appeals from the department of 44
taxation. 45

Any party desiring to appeal shall file a notice of appeal 46
with the agency setting forth the order appealed from and stating 47
that the agency's order is not supported by reliable, probative, 48
and substantial evidence and is not in accordance with law. The 49
notice of appeal may, but need not, set forth the specific grounds 50
of the party's appeal beyond the statement that the agency's order 51

is not supported by reliable, probative, and substantial evidence 52
and is not in accordance with law. The notice of appeal shall also 53
be filed by the appellant with the court. In filing a notice of 54
appeal with the agency or court, the notice that is filed may be 55
either the original notice or a copy of the original notice. 56
Unless otherwise provided by law relating to a particular agency, 57
notices of appeal shall be filed within fifteen days after the 58
mailing of the notice of the agency's order as provided in this 59
section. For purposes of this paragraph, an order includes a 60
determination appealed pursuant to division (C) of section 119.092 61
of the Revised Code. The amendments made to this paragraph by Sub. 62
H.B. 215 of the 128th general assembly are procedural, and this 63
paragraph as amended by those amendments shall be applied 64
retrospectively to all appeals pursuant to this paragraph filed 65
before ~~the effective date of those amendments~~ September 13, 2010, 66
but not earlier than May 7, 2009, which was the date the supreme 67
court of Ohio released its opinion and judgment in *Medcorp, Inc.* 68
v. Ohio Dep't. of Job and Family Servs. (2009), 121 Ohio St.3d 69
622. 70

The filing of a notice of appeal shall not automatically 71
operate as a suspension of the order of an agency. If it appears 72
to the court that an unusual hardship to the appellant will result 73
from the execution of the agency's order pending determination of 74
the appeal, the court may grant a suspension and fix its terms. If 75
an appeal is taken from the judgment of the court and the court 76
has previously granted a suspension of the agency's order as 77
provided in this section, the suspension of the agency's order 78
shall not be vacated and shall be given full force and effect 79
until the matter is finally adjudicated. No renewal of a license 80
or permit shall be denied by reason of the suspended order during 81
the period of the appeal from the decision of the court of common 82
pleas. In the case of an appeal from the Ohio casino control 83
commission, the state medical board, or the state chiropractic 84

board, the court may grant a suspension and fix its terms if it 85
appears to the court that an unusual hardship to the appellant 86
will result from the execution of the agency's order pending 87
determination of the appeal and the health, safety, and welfare of 88
the public will not be threatened by suspension of the order. This 89
provision shall not be construed to limit the factors the court 90
may consider in determining whether to suspend an order of any 91
other agency pending determination of an appeal. 92

The final order of adjudication may apply to any renewal of a 93
license or permit which has been granted during the period of the 94
appeal. 95

Notwithstanding any other provision of this section, any 96
order issued by a court of common pleas or a court of appeals 97
suspending the effect of an order of the liquor control commission 98
issued pursuant to Chapter 4301. or 4303. of the Revised Code that 99
suspends, revokes, or cancels a permit issued under Chapter 4303. 100
of the Revised Code or that allows the payment of a forfeiture 101
under section 4301.252 of the Revised Code shall terminate not 102
more than six months after the date of the filing of the record of 103
the liquor control commission with the clerk of the court of 104
common pleas and shall not be extended. The court of common pleas, 105
or the court of appeals on appeal, shall render a judgment in that 106
matter within six months after the date of the filing of the 107
record of the liquor control commission with the clerk of the 108
court of common pleas. A court of appeals shall not issue an order 109
suspending the effect of an order of the liquor control commission 110
that extends beyond six months after the date on which the record 111
of the liquor control commission is filed with a court of common 112
pleas. 113

Notwithstanding any other provision of this section, any 114
order issued by a court of common pleas or a court of appeals 115
suspending the effect of an order of the Ohio casino control 116

commission issued under Chapter 3772. of the Revised Code that 117
limits, conditions, restricts, suspends, revokes, denies, not 118
renews, fines, or otherwise penalizes an applicant, licensee, or 119
person excluded or ejected from a casino facility in accordance 120
with section 3772.031 of the Revised Code shall terminate not more 121
than six months after the date of the filing of the record of the 122
Ohio casino control commission with the clerk of the court of 123
common pleas and shall not be extended. The court of common pleas, 124
or the court of appeals on appeal, shall render a judgment in that 125
matter within six months after the date of the filing of the 126
record of the Ohio casino control commission with the clerk of the 127
court of common pleas. A court of appeals shall not issue an order 128
suspending the effect of an order of the Ohio casino control 129
commission that extends beyond six months after the date on which 130
the record of the Ohio casino control commission is filed with the 131
clerk of a court of common pleas. 132

Notwithstanding any other provision of this section, any 133
order issued by a court of common pleas suspending the effect of 134
an order of the state medical board or state chiropractic board 135
that limits, revokes, suspends, places on probation, or refuses to 136
register or reinstate a certificate issued by the board or 137
reprimands the holder of the certificate shall terminate not more 138
than fifteen months after the date of the filing of a notice of 139
appeal in the court of common pleas, or upon the rendering of a 140
final decision or order in the appeal by the court of common 141
pleas, whichever occurs first. 142

Within thirty days after receipt of a notice of appeal from 143
an order in any case in which a hearing is required by sections 144
119.01 to 119.13 of the Revised Code, the agency shall prepare and 145
certify to the court a complete record of the proceedings in the 146
case. Failure of the agency to comply within the time allowed, 147
upon motion, shall cause the court to enter a finding in favor of 148

the party adversely affected. Additional time, however, may be 149
granted by the court, not to exceed thirty days, when it is shown 150
that the agency has made substantial effort to comply. The record 151
shall be prepared and transcribed, and the expense of it shall be 152
taxed as a part of the costs on the appeal. The appellant shall 153
provide security for costs satisfactory to the court of common 154
pleas. Upon demand by any interested party, the agency shall 155
furnish at the cost of the party requesting it a copy of the 156
stenographic report of testimony offered and evidence submitted at 157
any hearing and a copy of the complete record. 158

Notwithstanding any other provision of this section, any 159
party desiring to appeal an order or decision of the state 160
personnel board of review shall, at the time of filing a notice of 161
appeal with the board, provide a security deposit in an amount and 162
manner prescribed in rules that the board shall adopt in 163
accordance with this chapter. In addition, the board is not 164
required to prepare or transcribe the record of any of its 165
proceedings unless the appellant has provided the deposit 166
described above. The failure of the board to prepare or transcribe 167
a record for an appellant who has not provided a security deposit 168
shall not cause a court to enter a finding adverse to the board. 169

Unless otherwise provided by law, in the hearing of the 170
appeal, the court is confined to the record as certified to it by 171
the agency. Unless otherwise provided by law, the court may grant 172
a request for the admission of additional evidence when satisfied 173
that the additional evidence is newly discovered and could not 174
with reasonable diligence have been ascertained prior to the 175
hearing before the agency. 176

The court shall conduct a hearing on the appeal and shall 177
give preference to all proceedings under sections 119.01 to 119.13 178
of the Revised Code, over all other civil cases, irrespective of 179
the position of the proceedings on the calendar of the court. An 180

appeal from an order of the state medical board issued pursuant to 181
division (G) of either section 4730.25 or 4731.22 of the Revised 182
Code, or the state chiropractic board issued pursuant to section 183
4734.37 of the Revised Code, or the liquor control commission 184
issued pursuant to Chapter 4301. or 4303. of the Revised Code, or 185
the Ohio casino control commission issued pursuant to Chapter 186
3772. of the Revised Code shall be set down for hearing at the 187
earliest possible time and takes precedence over all other 188
actions. The hearing in the court of common pleas shall proceed as 189
in the trial of a civil action, and the court shall determine the 190
rights of the parties in accordance with the laws applicable to a 191
civil action. At the hearing, counsel may be heard on oral 192
argument, briefs may be submitted, and evidence may be introduced 193
if the court has granted a request for the presentation of 194
additional evidence. 195

The court may affirm the order of the agency complained of in 196
the appeal if it finds, upon consideration of the entire record 197
and any additional evidence the court has admitted, that the order 198
is supported by reliable, probative, and substantial evidence and 199
is in accordance with law. In the absence of this finding, it may 200
reverse, vacate, or modify the order or make such other ruling as 201
is supported by reliable, probative, and substantial evidence and 202
is in accordance with law. The court shall award compensation for 203
fees in accordance with section 2335.39 of the Revised Code to a 204
prevailing party, other than an agency, in an appeal filed 205
pursuant to this section. 206

The judgment of the court shall be final and conclusive 207
unless reversed, vacated, or modified on appeal. These appeals may 208
be taken either by the party or the agency, shall proceed as in 209
the case of appeals in civil actions, and shall be pursuant to the 210
Rules of Appellate Procedure and, to the extent not in conflict 211
with those rules, Chapter 2505. of the Revised Code. An appeal by 212

the agency shall be taken on questions of law relating to the 213
constitutionality, construction, or interpretation of statutes and 214
rules of the agency, and, in the appeal, the court may also review 215
and determine the correctness of the judgment of the court of 216
common pleas that the order of the agency is not supported by any 217
reliable, probative, and substantial evidence in the entire 218
record. 219

The court shall certify its judgment to the agency or take 220
any other action necessary to give its judgment effect. 221

Sec. 2915.01. As used in this chapter: 222

(A) "Bookmaking" means the business of receiving or paying 223
off bets. 224

(B) "Bet" means the hazarding of anything of value upon the 225
result of an event, undertaking, or contingency, but does not 226
include a bona fide business risk. 227

(C) "Scheme of chance" means a slot machine unless authorized 228
under Chapter 3772. of the Revised Code, lottery unless authorized 229
under Chapter 3770. of the Revised Code, numbers game, pool 230
conducted for profit, or other scheme in which a participant gives 231
a valuable consideration for a chance to win a prize, but does not 232
include bingo, a skill-based amusement machine, or a pool not 233
conducted for profit. "Scheme of chance" includes the use of an 234
electronic device to reveal the results of a game entry if 235
valuable consideration is paid, directly or indirectly, for a 236
chance to win a prize. Valuable consideration is deemed to be paid 237
for a chance to win a prize in the following instances: 238

(1) Less than fifty per cent of the goods or services sold by 239
a scheme of chance operator in exchange for game entries are used 240
or redeemed by participants at any one location; 241

(2) Less than fifty per cent of participants who purchase 242

goods or services at any one location do not accept, use, or	243
redeem the goods or services sold or purportedly sold;	244
(3) More than fifty per cent of prizes at any one location	245
are revealed to participants through an electronic device	246
simulating a game of chance or a "casino game" as defined in	247
section 3772.01 of the Revised Code;	248
(4) The good or service sold by a scheme of chance operator	249
in exchange for a game entry cannot be used or redeemed in the	250
manner advertised;	251
(5) A participant pays more than fair market value for goods	252
or services offered by a scheme of chance operator in order to	253
receive one or more game entries;	254
(6) A participant may use the electronic device to purchase	255
additional game entries;	256
(7) A participant may purchase additional game entries by	257
using points or credits won as prizes while using the electronic	258
device;	259
(8) A scheme of chance operator pays out in prize money more	260
than twenty per cent of the gross revenue received at one	261
location; or	262
(9) A participant makes a purchase or exchange in order to	263
obtain any good or service that may be used to facilitate play on	264
the electronic device.	265
As used in this division, "electronic device" means a	266
mechanical, video, digital, or electronic machine or device that	267
is capable of displaying information on a screen or other	268
mechanism and that is owned, leased, or otherwise possessed by any	269
person conducting a scheme of chance, or by that person's	270
partners, affiliates, subsidiaries, or contractors.	271
(D) "Game of chance" means poker, craps, roulette, or other	272

game in which a player gives anything of value in the hope of 273
gain, the outcome of which is determined largely by chance, but 274
does not include bingo. 275

(E) "Game of chance conducted for profit" means any game of 276
chance designed to produce income for the person who conducts or 277
operates the game of chance, but does not include bingo. 278

(F) "Gambling device" means any of the following: 279

(1) A book, totalizer, or other equipment for recording bets; 280

(2) A ticket, token, or other device representing a chance, 281
share, or interest in a scheme of chance or evidencing a bet; 282

(3) A deck of cards, dice, gaming table, roulette wheel, slot 283
machine, or other apparatus designed for use in connection with a 284
game of chance; 285

(4) Any equipment, device, apparatus, or paraphernalia 286
specially designed for gambling purposes; 287

(5) Bingo supplies sold or otherwise provided, or used, in 288
violation of this chapter; 289

(6) Skill-based amusement machines or slot machines used in 290
violation of this chapter or Chapter 3772. of the Revised Code. 291

(G) "Gambling offense" means any of the following: 292

(1) A violation of section 2915.02, 2915.03, 2915.04, 293
2915.05, 2915.06, 2915.062, 2915.07, 2915.08, 2915.081, 2915.082, 294
2915.09, 2915.091, 2915.092, 2915.10, or 2915.11 or of division 295
(D), (E), or (F) of section 3772.99 of the Revised Code; 296

(2) A violation of an existing or former municipal ordinance 297
or law of this or any other state or the United States 298
substantially equivalent to any section listed in division (G)(1) 299
of this section or a violation of section 2915.06 of the Revised 300
Code as it existed prior to July 1, 1996; 301

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

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

(H) Except as otherwise provided in this chapter, "charitable organization" means either of the following:

(1) An organization that is, and has received from the internal revenue service a determination letter that currently is in effect stating that the organization is, exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;

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

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

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

(J) "Veteran's organization" means any individual post or state headquarters of a national veteran's association or an auxiliary unit of any individual post of a national veteran's

association, which post, state headquarters, or auxiliary unit is 333
incorporated as a nonprofit corporation and either has received a 334
letter from the state headquarters of the national veteran's 335
association indicating that the individual post or auxiliary unit 336
is in good standing with the national veteran's association or has 337
received a letter from the national veteran's association 338
indicating that the state headquarters is in good standing with 339
the national veteran's association. As used in this division, 340
"national veteran's association" means any veteran's association 341
that has been in continuous existence as such for a period of at 342
least five years and either is incorporated by an act of the 343
United States congress or has a national dues-paying membership of 344
at least five thousand persons. 345

(K) "Volunteer firefighter's organization" means any 346
organization of volunteer firefighters, as defined in section 347
146.01 of the Revised Code, that is organized and operated 348
exclusively to provide financial support for a volunteer fire 349
department or a volunteer fire company and that is recognized or 350
ratified by a county, municipal corporation, or township. 351

(L) "Fraternal organization" means any society, order, state 352
headquarters, or association within this state, except a college 353
or high school fraternity, that is not organized for profit, that 354
is a branch, lodge, or chapter of a national or state 355
organization, that exists exclusively for the common business or 356
sodality of its members. 357

(M) "Volunteer rescue service organization" means any 358
organization of volunteers organized to function as an emergency 359
medical service organization, as defined in section 4765.01 of the 360
Revised Code. 361

(N) "Charitable bingo game" means any bingo game described in 362
division (O)(1) or (2) of this section that is conducted by a 363
charitable organization that has obtained a license pursuant to 364

section 2915.08 of the Revised Code and the proceeds of which are 365
used for a charitable purpose. 366

(O) "Bingo" means either of the following: 367

(1) A game with all of the following characteristics: 368

(a) The participants use bingo cards or sheets, including 369
paper formats and electronic representation or image formats, that 370
are divided into twenty-five spaces arranged in five horizontal 371
and five vertical rows of spaces, with each space, except the 372
central space, being designated by a combination of a letter and a 373
number and with the central space being designated as a free 374
space. 375

(b) The participants cover the spaces on the bingo cards or 376
sheets that correspond to combinations of letters and numbers that 377
are announced by a bingo game operator. 378

(c) A bingo game operator announces combinations of letters 379
and numbers that appear on objects that a bingo game operator 380
selects by chance, either manually or mechanically, from a 381
receptacle that contains seventy-five objects at the beginning of 382
each game, each object marked by a different combination of a 383
letter and a number that corresponds to one of the seventy-five 384
possible combinations of a letter and a number that can appear on 385
the bingo cards or sheets. 386

(d) The winner of the bingo game includes any participant who 387
properly announces during the interval between the announcements 388
of letters and numbers as described in division (O)(1)(c) of this 389
section, that a predetermined and preannounced pattern of spaces 390
has been covered on a bingo card or sheet being used by the 391
participant. 392

(2) Instant bingo, punch boards, and raffles. 393

(P) "Conduct" means to back, promote, organize, manage, carry 394

on, sponsor, or prepare for the operation of bingo or a game of 395
chance, a scheme of chance, ~~or~~ a sweepstakes, or a skill-based 396
amusement machine. 397

(Q) "Bingo game operator" means any person, except security 398
personnel, who performs work or labor at the site of bingo, 399
including, but not limited to, collecting money from participants, 400
handing out bingo cards or sheets or objects to cover spaces on 401
bingo cards or sheets, selecting from a receptacle the objects 402
that contain the combination of letters and numbers that appear on 403
bingo cards or sheets, calling out the combinations of letters and 404
numbers, distributing prizes, selling or redeeming instant bingo 405
tickets or cards, supervising the operation of a punch board, 406
selling raffle tickets, selecting raffle tickets from a receptacle 407
and announcing the winning numbers in a raffle, and preparing, 408
selling, and serving food or beverages. 409

(R) "Participant" means any person who plays bingo. 410

(S) "Bingo session" means a period that includes both of the 411
following: 412

(1) Not to exceed five continuous hours for the conduct of 413
one or more games described in division (O)(1) of this section, 414
instant bingo, and seal cards; 415

(2) A period for the conduct of instant bingo and seal cards 416
for not more than two hours before and not more than two hours 417
after the period described in division (S)(1) of this section. 418

(T) "Gross receipts" means all money or assets, including 419
admission fees, that a person receives from bingo without the 420
deduction of any amounts for prizes paid out or for the expenses 421
of conducting bingo. "Gross receipts" does not include any money 422
directly taken in from the sale of food or beverages by a 423
charitable organization conducting bingo, or by a bona fide 424
auxiliary unit or society of a charitable organization conducting 425

bingo, provided all of the following apply: 426

(1) The auxiliary unit or society has been in existence as a 427
bona fide auxiliary unit or society of the charitable organization 428
for at least two years prior to conducting bingo. 429

(2) The person who purchases the food or beverage receives 430
nothing of value except the food or beverage and items customarily 431
received with the purchase of that food or beverage. 432

(3) The food and beverages are sold at customary and 433
reasonable prices. 434

(U) "Security personnel" includes any person who either is a 435
sheriff, deputy sheriff, marshal, deputy marshal, township 436
constable, or member of an organized police department of a 437
municipal corporation or has successfully completed a peace 438
officer's training course pursuant to sections 109.71 to 109.79 of 439
the Revised Code and who is hired to provide security for the 440
premises on which bingo is conducted. 441

(V) "Charitable purpose" means that the net profit of bingo, 442
other than instant bingo, is used by, or is given, donated, or 443
otherwise transferred to, any of the following: 444

(1) Any organization that is described in subsection 445
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 446
and is either a governmental unit or an organization that is tax 447
exempt under subsection 501(a) and described in subsection 448
501(c)(3) of the Internal Revenue Code; 449

(2) A veteran's organization that is a post, chapter, or 450
organization of veterans, or an auxiliary unit or society of, or a 451
trust or foundation for, any such post, chapter, or organization 452
organized in the United States or any of its possessions, at least 453
seventy-five per cent of the members of which are veterans and 454
substantially all of the other members of which are individuals 455
who are spouses, widows, or widowers of veterans, or such 456

individuals, provided that no part of the net earnings of such 457
post, chapter, or organization inures to the benefit of any 458
private shareholder or individual, and further provided that the 459
net profit is used by the post, chapter, or organization for the 460
charitable purposes set forth in division (B)(12) of section 461
5739.02 of the Revised Code, is used for awarding scholarships to 462
or for attendance at an institution mentioned in division (B)(12) 463
of section 5739.02 of the Revised Code, is donated to a 464
governmental agency, or is used for nonprofit youth activities, 465
the purchase of United States or Ohio flags that are donated to 466
schools, youth groups, or other bona fide nonprofit organizations, 467
promotion of patriotism, or disaster relief; 468

(3) A fraternal organization that has been in continuous 469
existence in this state for fifteen years and that uses the net 470
profit exclusively for religious, charitable, scientific, 471
literary, or educational purposes, or for the prevention of 472
cruelty to children or animals, if contributions for such use 473
would qualify as a deductible charitable contribution under 474
subsection 170 of the Internal Revenue Code; 475

(4) A volunteer firefighter's organization that uses the net 476
profit for the purposes set forth in division (K) of this section. 477

(W) "Internal Revenue Code" means the "Internal Revenue Code 478
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 479
amended. 480

(X) "Youth athletic organization" means any organization, not 481
organized for profit, that is organized and operated exclusively 482
to provide financial support to, or to operate, athletic 483
activities for persons who are twenty-one years of age or younger 484
by means of sponsoring, organizing, operating, or contributing to 485
the support of an athletic team, club, league, or association. 486

(Y) "Youth athletic park organization" means any 487

organization, not organized for profit, that satisfies both of the 488
following: 489

(1) It owns, operates, and maintains playing fields that 490
satisfy both of the following: 491

(a) The playing fields are used at least one hundred days per 492
year for athletic activities by one or more organizations, not 493
organized for profit, each of which is organized and operated 494
exclusively to provide financial support to, or to operate, 495
athletic activities for persons who are eighteen years of age or 496
younger by means of sponsoring, organizing, operating, or 497
contributing to the support of an athletic team, club, league, or 498
association. 499

(b) The playing fields are not used for any profit-making 500
activity at any time during the year. 501

(2) It uses the proceeds of bingo it conducts exclusively for 502
the operation, maintenance, and improvement of its playing fields 503
of the type described in division (Y)(1) of this section. 504

(Z) "Bingo supplies" means bingo cards or sheets; instant 505
bingo tickets or cards; electronic bingo aids; raffle tickets; 506
punch boards; seal cards; instant bingo ticket dispensers; and 507
devices for selecting or displaying the combination of bingo 508
letters and numbers or raffle tickets. Items that are "bingo 509
supplies" are not gambling devices if sold or otherwise provided, 510
and used, in accordance with this chapter. For purposes of this 511
chapter, "bingo supplies" are not to be considered equipment used 512
to conduct a bingo game. 513

(AA) "Instant bingo" means a form of bingo that shall use 514
folded or banded tickets or paper cards with perforated break-open 515
tabs, a face of which is covered or otherwise hidden from view to 516
conceal a number, letter, or symbol, or set of numbers, letters, 517
or symbols, some of which have been designated in advance as prize 518

winners, and may also include games in which some winners are 519
determined by the random selection of one or more bingo numbers by 520
the use of a seal card or bingo blower. In all "instant bingo" the 521
prize amount and structure shall be predetermined. "Instant bingo" 522
does not include any device that is activated by the insertion of 523
a coin, currency, token, or an equivalent, and that contains as 524
one of its components a video display monitor that is capable of 525
displaying numbers, letters, symbols, or characters in winning or 526
losing combinations. 527

(BB) "Seal card" means a form of instant bingo that uses 528
instant bingo tickets in conjunction with a board or placard that 529
contains one or more seals that, when removed or opened, reveal 530
predesignated winning numbers, letters, or symbols. 531

(CC) "Raffle" means a form of bingo in which the one or more 532
prizes are won by one or more persons who have purchased a raffle 533
ticket. The one or more winners of the raffle are determined by 534
drawing a ticket stub or other detachable section from a 535
receptacle containing ticket stubs or detachable sections 536
corresponding to all tickets sold for the raffle. "Raffle" does 537
not include the drawing of a ticket stub or other detachable 538
section of a ticket purchased to attend a professional sporting 539
event if both of the following apply: 540

(1) The ticket stub or other detachable section is used to 541
select the winner of a free prize given away at the professional 542
sporting event; and 543

(2) The cost of the ticket is the same as the cost of a 544
ticket to the professional sporting event on days when no free 545
prize is given away. 546

(DD) "Punch board" means a board containing a number of holes 547
or receptacles of uniform size in which are placed, mechanically 548
and randomly, serially numbered slips of paper that may be punched 549

or drawn from the hole or receptacle when used in conjunction with 550
instant bingo. A player may punch or draw the numbered slips of 551
paper from the holes or receptacles and obtain the prize 552
established for the game if the number drawn corresponds to a 553
winning number or, if the punch board includes the use of a seal 554
card, a potential winning number. 555

(EE) "Gross profit" means gross receipts minus the amount 556
actually expended for the payment of prize awards. 557

(FF) "Net profit" means gross profit minus expenses. 558

(GG) "Expenses" means the reasonable amount of gross profit 559
actually expended for all of the following: 560

(1) The purchase or lease of bingo supplies; 561

(2) The annual license fee required under section 2915.08 of 562
the Revised Code; 563

(3) Bank fees and service charges for a bingo session or game 564
account described in section 2915.10 of the Revised Code; 565

(4) Audits and accounting services; 566

(5) Safes; 567

(6) Cash registers; 568

(7) Hiring security personnel; 569

(8) Advertising bingo; 570

(9) Renting premises in which to conduct a bingo session; 571

(10) Tables and chairs; 572

(11) Expenses for maintaining and operating a charitable 573
organization's facilities, including, but not limited to, a post 574
home, club house, lounge, tavern, or canteen and any grounds 575
attached to the post home, club house, lounge, tavern, or canteen; 576

(12) Payment of real property taxes and assessments that are 577

levied on a premises on which bingo is conducted; 578

(13) Any other product or service directly related to the 579
conduct of bingo that is authorized in rules adopted by the 580
attorney general under division (B)(1) of section 2915.08 of the 581
Revised Code. 582

(HH) "Person" has the same meaning as in section 1.59 of the 583
Revised Code and includes any firm or any other legal entity, 584
however organized. 585

(II) "Revoke" means to void permanently all rights and 586
privileges of the holder of a license issued under section 587
2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable 588
gaming license issued by another jurisdiction. 589

(JJ) "Suspend" means to interrupt temporarily all rights and 590
privileges of the holder of a license issued under section 591
2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable 592
gaming license issued by another jurisdiction. 593

(KK) "Distributor" means any person who purchases or obtains 594
bingo supplies and who does either of the following: 595

(1) Sells, offers for sale, or otherwise provides or offers 596
to provide the bingo supplies to another person for use in this 597
state; 598

(2) Modifies, converts, adds to, or removes parts from the 599
bingo supplies to further their promotion or sale for use in this 600
state. 601

(LL) "Manufacturer" means any person who assembles completed 602
bingo supplies from raw materials, other items, or subparts or who 603
modifies, converts, adds to, or removes parts from bingo supplies 604
to further their promotion or sale. 605

(MM) "Gross annual revenues" means the annual gross receipts 606
derived from the conduct of bingo described in division (O)(1) of 607

this section plus the annual net profit derived from the conduct 608
of bingo described in division (0)(2) of this section. 609

(NN) "Instant bingo ticket dispenser" means a mechanical 610
device that dispenses an instant bingo ticket or card as the sole 611
item of value dispensed and that has the following 612
characteristics: 613

(1) It is activated upon the insertion of United States 614
currency. 615

(2) It performs no gaming functions. 616

(3) It does not contain a video display monitor or generate 617
noise. 618

(4) It is not capable of displaying any numbers, letters, 619
symbols, or characters in winning or losing combinations. 620

(5) It does not simulate or display rolling or spinning 621
reels. 622

(6) It is incapable of determining whether a dispensed bingo 623
ticket or card is a winning or nonwinning ticket or card and 624
requires a winning ticket or card to be paid by a bingo game 625
operator. 626

(7) It may provide accounting and security features to aid in 627
accounting for the instant bingo tickets or cards it dispenses. 628

(8) It is not part of an electronic network and is not 629
interactive. 630

(OO)(1) "Electronic bingo aid" means an electronic device 631
used by a participant to monitor bingo cards or sheets purchased 632
at the time and place of a bingo session and that does all of the 633
following: 634

(a) It provides a means for a participant to input numbers 635
and letters announced by a bingo caller. 636

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

(c) It identifies a winning bingo pattern.

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

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

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

(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;

(b) 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 to conduct bingo or a scheme or game of chance.

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

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

(SS) "Charitable instant bingo organization" means an organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the

Internal Revenue Code and is a charitable organization as defined 667
in this section. A "charitable instant bingo organization" does 668
not include a charitable organization that is exempt from federal 669
income taxation under subsection 501(a) and described in 670
subsection 501(c)(3) of the Internal Revenue Code and that is 671
created by a veteran's organization, a fraternal organization, or 672
a sporting organization in regards to bingo conducted or assisted 673
by a veteran's organization, a fraternal organization, or a 674
sporting organization pursuant to section 2915.13 of the Revised 675
Code. 676

(TT) "Game flare" means the board or placard that accompanies 677
each deal of instant bingo tickets and that has printed on or 678
affixed to it the following information for the game: 679

(1) The name of the game; 680

(2) The manufacturer's name or distinctive logo; 681

(3) The form number; 682

(4) The ticket count; 683

(5) The prize structure, including the number of winning 684
instant bingo tickets by denomination and the respective winning 685
symbol or number combinations for the winning instant bingo 686
tickets; 687

(6) The cost per play; 688

(7) The serial number of the game. 689

(UU)(1) "Skill-based amusement machine" means a mechanical, 690
video, digital, or electronic device that rewards the player or 691
players, if at all, only with merchandise prizes or with 692
redeemable vouchers redeemable only for merchandise prizes, 693
provided that with respect to rewards for playing the game all of 694
the following apply: 695

(a) The wholesale value of a merchandise prize awarded as a 696

result of the single play of a machine does not exceed ten 697
dollars; 698

(b) Redeemable vouchers awarded for any single play of a 699
machine are not redeemable for a merchandise prize with a 700
wholesale value of more than ten dollars; 701

(c) Redeemable vouchers are not redeemable for a merchandise 702
prize that has a wholesale value of more than ten dollars times 703
the fewest number of single plays necessary to accrue the 704
redeemable vouchers required to obtain that prize; and 705

(d) Any redeemable vouchers or merchandise prizes are 706
distributed at the site of the skill-based amusement machine at 707
the time of play. 708

A card for the purchase of gasoline is a redeemable voucher 709
for purposes of division (UU)(1) of this section even if the 710
skill-based amusement machine for the play of which the card is 711
awarded is located at a place where gasoline may not be legally 712
distributed to the public or the card is not redeemable at the 713
location of, or at the time of playing, the skill-based amusement 714
machine. 715

(2) A device shall not be considered a skill-based amusement 716
machine and shall be considered a slot machine if it pays cash or 717
one or more of the following apply: 718

(a) The ability of a player to succeed at the game is 719
impacted by the number or ratio of prior wins to prior losses of 720
players playing the game. 721

(b) Any reward of redeemable vouchers is not based solely on 722
the player achieving the object of the game or the player's score; 723

(c) The outcome of the game, or the value of the redeemable 724
voucher or merchandise prize awarded for winning the game, can be 725
controlled by a source other than any player playing the game. 726

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

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

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

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

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

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

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

(4) For purposes of division (UU)(1) of this section, the mere presence of a device, such as a pin-setting, ball-releasing, or scoring mechanism, that does not contribute to or affect the

outcome of the play of the game does not make the device a 758
skill-based amusement machine. 759

(VV) "Merchandise prize" means any item of value, but shall 760
not include any of the following: 761

(1) Cash, gift cards, or any equivalent thereof; 762

(2) Plays on games of chance, state lottery tickets, bingo, 763
or instant bingo; 764

(3) Firearms, tobacco, or alcoholic beverages; or 765

(4) A redeemable voucher that is redeemable for any of the 766
items listed in division (VV)(1), (2), or (3) of this section. 767

(WW) "Redeemable voucher" means any ticket, token, coupon, 768
receipt, or other noncash representation of value. 769

(XX) "Pool not conducted for profit" means a scheme in which 770
a participant gives a valuable consideration for a chance to win a 771
prize and the total amount of consideration wagered is distributed 772
to a participant or participants. 773

(YY) "Sporting organization" means a hunting, fishing, or 774
trapping organization, other than a college or high school 775
fraternity or sorority, that is not organized for profit, that is 776
affiliated with a state or national sporting organization, 777
including but not limited to, the league of Ohio sportsmen, and 778
that has been in continuous existence in this state for a period 779
of three years. 780

(ZZ) "Community action agency" has the same meaning as in 781
section 122.66 of the Revised Code. 782

(AAA)(1) "Sweepstakes terminal device" means a mechanical, 783
video, digital, or electronic machine or device that is owned, 784
leased, or otherwise possessed by any person conducting a 785
sweepstakes, or by that person's partners, affiliates, 786
subsidiaries, or contractors, that is intended to be used by a 787

sweepstakes participant, and that is capable of displaying 788
information on a screen or other mechanism. A device is a 789
sweepstakes terminal device if any of the following apply: 790

(a) The device uses a simulated game terminal as a 791
representation of the prizes associated with the results of the 792
sweepstakes entries. 793

(b) The device utilizes software such that the simulated game 794
influences or determines the winning of or value of the prize. 795

(c) The device selects prizes from a predetermined finite 796
pool of entries. 797

(d) The device utilizes a mechanism that reveals the content 798
of a predetermined sweepstakes entry. 799

(e) The device predetermines the prize results and stores 800
those results for delivery at the time the sweepstakes entry 801
results are revealed. 802

(f) The device utilizes software to create a game result. 803

(g) The device reveals the prize incrementally, even though 804
the device does not influence the awarding of the prize or the 805
value of any prize awarded. 806

(h) The device determines and associates the prize with an 807
entry or entries at the time the sweepstakes is entered. 808

(2) As used in this division and in section 2915.02 of the 809
Revised Code: 810

(a) "Enter" means the act by which a person becomes eligible 811
to receive any prize offered in a sweepstakes. 812

(b) "Entry" means one event from the initial activation of 813
the sweepstakes terminal device until all the sweepstakes prize 814
results from that activation are revealed. 815

(c) "Prize" means any gift, award, gratuity, good, service, 816

credit, reward, or any other thing of value that may be 817
transferred to a person, whether possession of the prize is 818
actually transferred, or placed on an account or other record as 819
evidence of the intent to transfer the prize. 820

(d) "Sweepstakes terminal device facility" means any location 821
in this state where a sweepstakes terminal device is provided to a 822
sweepstakes participant, except as provided in division (G) of 823
section 2915.02 of the Revised Code. 824

(BBB) "Sweepstakes" means any game, contest, advertising 825
scheme or plan, or other promotion where consideration is not 826
required for a person to enter to win or become eligible to 827
receive any prize, the determination of which is based upon 828
chance. "Sweepstakes" does not include bingo as authorized under 829
this chapter, pari-mutuel wagering as authorized by Chapter 3769. 830
of the Revised Code, lotteries conducted by the state lottery 831
commission as authorized by Chapter 3770. of the Revised Code, and 832
casino gaming as authorized by Chapter 3772. of the Revised Code. 833

Sec. 2915.03. (A) No person, being the owner or lessee, or 834
having custody, control, or supervision of premises, shall: 835

(1) Use or occupy such premises for gambling in violation of 836
section 2915.02, 2915.06, or 2915.062 or of division (E)(12) of 837
section 3772.99 of the Revised Code; 838

(2) ~~Recklessly~~ Knowingly permit such premises to be used or 839
occupied for gambling in violation of section 2915.02, 2915.06, or 840
2915.062 or of division (E)(12) of section 3772.99 of the Revised 841
Code. 842

(B) Whoever violates this section is guilty of operating a 843
gambling house, a misdemeanor of the first degree. If the offender 844
previously has been convicted of a gambling offense, operating a 845
gambling house is a felony of the fifth degree. 846

(C) Premises used or occupied in violation of this section 847
constitute a nuisance subject to abatement pursuant to sections 848
3767.01 to 3767.99 of the Revised Code. 849

Sec. 2915.06. (A) No person shall give to another person any 850
item described in division (VV)(1), (2), (3), or (4) of section 851
2915.01 of the Revised Code in exchange for a noncash prize, toy, 852
or novelty received as a reward for playing or operating a 853
skill-based amusement machine or for a free or reduced-price game 854
won on a skill-based amusement machine. 855

(B) No person shall conduct, or participate in the conduct 856
of, a skill-based amusement machine without first obtaining a 857
license under Chapter 3772. of the Revised Code. 858

This division does not apply to a person who has obtained, 859
from the director of agriculture, a license under section 1711.11 860
of the Revised Code to operate concessions at a fair or exhibition 861
conducted by a county or independent agricultural society or by 862
the Ohio expositions commission. 863

(C) Whoever violates division (A) of this section is guilty 864
of skill-based amusement machine prohibited conduct. A violation 865
of division (A) of this section is a misdemeanor of the first 866
degree for each redemption of a prize that is involved in the 867
violation. If the offender previously has been convicted of a 868
gambling offense, violation of division (A) of this section, ~~a 869~~
~~violation of that division~~ is a felony of the fifth degree for 870
each redemption of a prize that is involved in the violation. The 871
maximum fine authorized to be imposed for a felony of the fifth 872
degree shall be imposed upon the offender. 873

(D) Whoever violates division (B) of this section is guilty 874
of conducting an illegal skill-based amusement machine, a 875
misdemeanor of the first degree. If the offender previously has 876
been convicted of a gambling offense, violation of division (B) of 877

this section is a felony of the fifth degree. 878

(E) Premises used or occupied in violation of this section 879
constitute a nuisance subject to abatement under Chapter 3767. of 880
the Revised Code. 881

Sec. 2915.061. Any regulation of skill-based amusement 882
machines shall be governed by this chapter and Chapter 3772. of 883
the Revised Code and not by Chapter 1345. of the Revised Code. 884

Sec. 2915.062. (A) Except as otherwise expressly permitted by 885
law, no person shall conduct, or participate in the conduct of, a 886
casino game, as defined in section 3772.01 of the Revised Code, 887
without first obtaining a license under Chapter 3772. of the 888
Revised Code. 889

(B) Whoever violates this section is guilty of conducting an 890
illegal casino game, a misdemeanor of the first degree. If the 891
offender previously has been convicted of a gambling offense, 892
violation of this section is a felony of the fifth degree. 893

(C) Premises used or occupied in violation of this section 894
constitute a nuisance subject to abatement under Chapter 3767. of 895
the Revised Code. 896

Sec. 3770.01. (A) There is hereby created the state lottery 897
commission consisting of nine members appointed by the governor 898
with the advice and consent of the senate. No more than five 899
members of the commission shall be members of the same political 900
party. Of the additional and new appointments made to the 901
commission pursuant to the amendment of August 1, 1980, three 902
shall be for terms ending August 1, 1981, three shall be for terms 903
ending August 1, 1982, and three shall be for terms ending August 904
1, 1983. Thereafter, terms of office shall be for three years, 905
each term ending on the same day of the same month of the year as 906

did the term which it succeeds. 907

(B) Each member shall hold office from the date of 908
appointment until the end of the term for which the member was 909
appointed. Any member appointed to fill a vacancy occurring prior 910
to the expiration of the term for which the member's predecessor 911
was appointed shall hold office for the remainder of that term. 912
Any member shall continue in office subsequent to the expiration 913
date of the member's term until the member's successor takes 914
office, or until a period of sixty days has elapsed, whichever 915
occurs first. 916

(C) All members of the commission shall be citizens of the 917
United States and residents of this state. The members of the 918
commission shall represent the various geographic regions of the 919
state. No member of the commission shall have any pecuniary 920
interest in any contract or license awarded by the commission. One 921
person appointed as a member of the commission shall ~~represent an~~ 922
~~organization that deals with~~ have experience or training in the 923
area of problem gambling or other addictions and ~~assists in~~ 924
assistance to recovering gambling or other addicts. Each person 925
appointed as a member of the commission, except the member 926
appointed as a representative of an organization that deals with 927
problem gambling and assists recovering gambling addicts, shall 928
have prior experience or education in business administration, 929
management, sales, marketing, or advertising. 930

(D) The commission shall elect annually one of its members to 931
serve as chairperson for a term of one year. Election as 932
chairperson shall not extend a member's appointive term. Each 933
member of the commission shall receive an annual salary of five 934
thousand dollars, payable in monthly installments. Each member of 935
the commission also shall receive the member's actual and 936
necessary expenses incurred in the discharge of the member's 937
official duties. 938

(E) Each member of the commission, before entering upon the discharge of the member's official duties, shall give a bond, payable to the treasurer of state, in the sum of ten thousand dollars with sufficient sureties to be approved by the treasurer of state, which bond shall be filed with the secretary of state.

(F) The governor may remove any member of the commission for malfeasance, misfeasance, or nonfeasance in office, giving the member a copy of the charges against the member and affording the member an opportunity to be publicly heard in person or by counsel in the member's own defense upon not less than ten days' notice. If the member is removed, the governor shall file in the office of the secretary of state a complete statement of all charges made against the member and the governor's finding on the charges, together with a complete report of the proceedings, and the governor's decision on the charges is final.

(G) The commission shall maintain offices at locations in the state as it may consider necessary for the efficient performance of its functions. The director shall maintain an office in Columbus to coordinate the activities of the state lottery commission with other state departments.

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

(B)(1) The director shall attend all meetings of the 970
commission and shall act as its secretary. The director shall keep 971
a record of all commission proceedings and shall keep the 972
commission's records, files, and documents at the commission's 973
principal office. All records of the commission's meetings shall 974
be available for inspection by any member of the public, upon a 975
showing of good cause and prior notification to the director. 976

(2) The director shall be the commission's executive officer 977
and shall be responsible for keeping all commission records and 978
supervising and administering the state lottery in accordance with 979
this chapter, and carrying out all commission rules adopted under 980
section 3770.03 of the Revised Code. 981

(C)(1) The director shall appoint an assistant director, 982
deputy directors of marketing, operations, sales, finance, public 983
relations, security, and administration, and as many regional 984
managers as are required. The director may also appoint necessary 985
professional, technical, and clerical assistants. All such 986
officers and employees shall be appointed and compensated pursuant 987
to Chapter 124. of the Revised Code. Regional and assistant 988
regional managers, sales representatives, and any lottery 989
executive account representatives shall remain in the unclassified 990
service. 991

(2) The director, in consultation with the director of 992
administrative services, may establish standards of proficiency 993
and productivity for commission field representatives. 994

(D) The director shall request the bureau of criminal 995
identification and investigation, the department of public safety, 996
or any other state, local, or federal agency to supply the 997
director with the criminal records of any job applicant and may 998
periodically request the criminal records of commission employees. 999
At or prior to the time of making such a request, the director 1000
shall require a job applicant or commission employee to obtain 1001

fingerprint cards prescribed by the superintendent of the bureau 1002
of criminal identification and investigation at a qualified law 1003
enforcement agency, and the director shall cause these fingerprint 1004
cards to be forwarded to the bureau of criminal identification and 1005
investigation and the federal bureau of investigation. The 1006
commission shall assume the cost of obtaining the fingerprint 1007
cards and shall pay to each agency supplying criminal records for 1008
each investigation under this division a reasonable fee, as 1009
determined by the agency. 1010

(E) The director shall license lottery sales agents pursuant 1011
to section 3770.05 of the Revised Code and, when it is considered 1012
necessary, may revoke or suspend the license of any lottery sales 1013
agent. The director may license video lottery technology 1014
providers, independent testing laboratories, and gaming employees, 1015
and promulgate rules relating thereto. When the director considers 1016
it necessary, the director may suspend or revoke the license of a 1017
video lottery technology provider, independent testing laboratory, 1018
or gaming employee, including suspension or revocation without 1019
affording an opportunity for a prior hearing under section 119.07 1020
of the Revised Code when the public safety, convenience, or trust 1021
requires immediate action. 1022

(F) The director shall confer at least once each month with 1023
the commission, at which time the director shall advise it 1024
regarding the operation and administration of the lottery. The 1025
director shall make available at the request of the commission all 1026
documents, files, and other records pertaining to the operation 1027
and administration of the lottery. The director shall prepare and 1028
make available to the commission each month a complete and 1029
accurate accounting of lottery revenues, prize money disbursements 1030
and the cost of goods and services awarded as prizes, operating 1031
expenses, and all other relevant financial information, including 1032
an accounting of all transfers made from any lottery funds in the 1033

custody of the treasurer of state to benefit education. 1034

(G) The director may enter into contracts for the operation 1035
or promotion of the lottery pursuant to Chapter 125. of the 1036
Revised Code. 1037

(H)(1) Pursuant to rules adopted by the commission under 1038
section 3770.03 of the Revised Code, the director shall require 1039
any lottery sales agents to deposit to the credit of the state 1040
lottery fund, in banking institutions designated by the treasurer 1041
of state, net proceeds due the commission as determined by the 1042
director. 1043

(2) Pursuant to rules adopted by the commission under Chapter 1044
119. of the Revised Code, the director may impose penalties for 1045
the failure of a sales agent to transfer funds to the commission 1046
in a timely manner. Penalties may include monetary penalties, 1047
immediate suspension or revocation of a license, or any other 1048
penalty the commission adopts by rule. 1049

(I) The director may arrange for any person, or any banking 1050
institution, to perform functions and services in connection with 1051
the operation of the lottery as the director may consider 1052
necessary to carry out this chapter. 1053

(J)(1) As used in this chapter, "statewide joint lottery 1054
game" means a lottery game that the commission sells solely within 1055
this state under an agreement with other lottery jurisdictions to 1056
sell the same lottery game solely within their statewide or other 1057
jurisdictional boundaries. 1058

(2) If the governor directs the director to do so, the 1059
director shall enter into an agreement with other lottery 1060
jurisdictions to conduct statewide joint lottery games. If the 1061
governor signs the agreement personally or by means of an 1062
authenticating officer pursuant to section 107.15 of the Revised 1063
Code, the director then may conduct statewide joint lottery games 1064

under the agreement. Before the governor directs the director to 1065
enter into an agreement, the commission may begin discussions and 1066
the planning process for a statewide joint lottery game, but the 1067
commission shall not file the rules for the game under division 1068
(B) or (H) of section 119.03 of the Revised Code before the 1069
governor directs the director to enter into the agreement. 1070

(3) The entire net proceeds from any statewide joint lottery 1071
games shall be used to fund elementary, secondary, vocational, and 1072
special education programs in this state. 1073

(4) The commission shall conduct any statewide joint lottery 1074
games in accordance with rules it adopts under division (B)(5) of 1075
section 3770.03 of the Revised Code. 1076

(K)(1) The director shall enter into an agreement with the 1077
department of mental health and addiction services under which the 1078
department shall provide a program of gambling addiction services 1079
on behalf of the commission. The commission shall pay the costs of 1080
the program provided pursuant to the agreement. 1081

(2) As used in this section, "gambling addiction services" 1082
has the same meaning as in section 5119.01 of the Revised Code. 1083

Sec. 3770.05. (A) As used in this section, "person" means any 1084
person, association, corporation, partnership, club, trust, 1085
estate, society, receiver, trustee, person acting in a fiduciary 1086
or representative capacity, instrumentality of the state or any of 1087
its political subdivisions, or any other combination of 1088
individuals meeting the requirements set forth in this section or 1089
established by rule or order of the state lottery commission. 1090

(B) The director of the state lottery commission may license 1091
any person as a lottery sales agent. No license shall be issued to 1092
any person or group of persons to engage in the sale of lottery 1093
tickets as the person's or group's sole occupation or business. 1094

Before issuing any license to a lottery sales agent, the	1095
director shall consider all of the following:	1096
(1) The financial responsibility and security of the	1097
applicant and the applicant's business or activity;	1098
(2) The accessibility of the applicant's place of business or	1099
activity to the public;	1100
(3) The sufficiency of existing licensed agents to serve the	1101
public interest;	1102
(4) The volume of expected sales by the applicant;	1103
(5) Any other factors pertaining to the public interest,	1104
convenience, or trust.	1105
(C) Except as otherwise provided in division (F) of this	1106
section, the director of the state lottery commission shall refuse	1107
to grant, or shall suspend or revoke, a license if the applicant	1108
or licensee:	1109
(1) Has been convicted of a felony or has been convicted of a	1110
crime involving moral turpitude;	1111
(2) Has been convicted of an offense that involves illegal	1112
gambling;	1113
(3) Has been found guilty of fraud or misrepresentation in	1114
any connection;	1115
(4) Has been found to have violated any rule or order of the	1116
commission; or	1117
(5) Has been convicted of illegal trafficking in supplemental	1118
nutrition assistance program benefits.	1119
(D) Except as otherwise provided in division (F) of this	1120
section, the director of the state lottery commission shall refuse	1121
to grant, or shall suspend or revoke, a license if the applicant	1122
or licensee is a corporation and any of the following applies:	1123

(1) Any of the corporation's directors, officers, or 1124
controlling shareholders has been found guilty of any of the 1125
activities specified in divisions (C)(1) to (5) of this section; 1126

(2) It appears to the director of the state lottery 1127
commission that, due to the experience, character, or general 1128
fitness of any director, officer, or controlling shareholder of 1129
the corporation, the granting of a license as a lottery sales 1130
agent would be inconsistent with the public interest, convenience, 1131
or trust; 1132

(3) The corporation is not the owner or lessee of the 1133
business at which it would conduct a lottery sales agency pursuant 1134
to the license applied for; 1135

(4) Any person, firm, association, or corporation other than 1136
the applicant or licensee shares or will share in the profits of 1137
the applicant or licensee, other than receiving dividends or 1138
distributions as a shareholder, or participates or will 1139
participate in the management of the affairs of the applicant or 1140
licensee. 1141

(E)(1) The director of the state lottery commission shall 1142
refuse to grant a license to an applicant for a lottery sales 1143
agent license and shall revoke a lottery sales agent license if 1144
the applicant or licensee is or has been convicted of a violation 1145
of division (A) or (C)(1) of section 2913.46 of the Revised Code. 1146

(2) The director shall refuse to grant a license to an 1147
applicant for a lottery sales agent license that is a corporation 1148
and shall revoke the lottery sales agent license of a corporation 1149
if the corporation is or has been convicted of a violation of 1150
division (A) or (C)(1) of section 2913.46 of the Revised Code. 1151

(F) The director of the state lottery commission shall 1152
request the bureau of criminal identification and investigation, 1153
the department of public safety, or any other state, local, or 1154

federal agency to supply the director with the criminal records of 1155
any applicant for a lottery sales agent license, and may 1156
periodically request the criminal records of any person to whom a 1157
lottery sales agent license has been issued. At or prior to the 1158
time of making such a request, the director shall require an 1159
applicant or licensee to obtain fingerprint impressions on 1160
fingerprint cards prescribed by the superintendent of the bureau 1161
of criminal identification and investigation at a qualified law 1162
enforcement agency, and the director shall cause those fingerprint 1163
cards to be forwarded to the bureau of criminal identification and 1164
investigation, to the federal bureau of investigation, or to both 1165
bureaus. The commission shall assume the cost of obtaining the 1166
fingerprint cards. 1167

The director shall pay to each agency supplying criminal 1168
records for each investigation a reasonable fee, as determined by 1169
the agency. 1170

The commission may adopt uniform rules specifying time 1171
periods after which the persons described in divisions (C)(1) to 1172
(5) and (D)(1) to (4) of this section may be issued a license and 1173
establishing requirements for those persons to seek a court order 1174
to have records sealed in accordance with law. 1175

(G)(1) Each applicant for a lottery sales agent license shall 1176
do both of the following: 1177

(a) Pay fees to the state lottery commission, if required by 1178
rule adopted by the director under Chapter 119. of the Revised 1179
Code ~~and the controlling board approves the fees;~~ 1180

(b) Prior to approval of the application, obtain a surety 1181
bond in an amount the director determines by rule adopted under 1182
Chapter 119. of the Revised Code or, alternatively, with the 1183
director's approval, deposit the same amount into a dedicated 1184
account for the benefit of the state lottery. The director also 1185

may approve the obtaining of a surety bond to cover part of the 1186
amount required, together with a dedicated account deposit to 1187
cover the remainder of the amount required. The director also may 1188
establish an alternative program or policy, with the approval of 1189
the commission by rule adopted under Chapter 119. of the Revised 1190
Code, that otherwise ensures the lottery's financial interests are 1191
adequately protected. If such an alternative program or policy is 1192
established, an applicant or lottery sales agent, subject to the 1193
director's approval, may be permitted to participate in the 1194
program or proceed under that policy in lieu of providing a surety 1195
bond or dedicated amount. 1196

A surety bond may be with any company that complies with the 1197
bonding and surety laws of this state and the requirements 1198
established by rules of the commission pursuant to this chapter. A 1199
dedicated account deposit shall be conducted in accordance with 1200
policies and procedures the director establishes. 1201

A surety bond, dedicated account, other established program 1202
or policy, or any combination of these resources, as applicable, 1203
may be used to pay for the lottery sales agent's failure to make 1204
prompt and accurate payments for lottery ticket sales, for missing 1205
or stolen lottery tickets, for damage to equipment or materials 1206
issued to the lottery sales agent, or to pay for expenses the 1207
commission incurs in connection with the lottery sales agent's 1208
license. 1209

(2) A lottery sales agent license is effective for at least 1210
one year, but not more than three years. 1211

A licensed lottery sales agent, on or before the date 1212
established by the director, shall renew the agent's license and 1213
provide at that time evidence to the director that the surety 1214
bond, dedicated account deposit, or both, required under division 1215
(G)(1)(b) of this section has been renewed or is active, whichever 1216
applies. 1217

Before the commission renews a lottery sales agent license, 1218
the lottery sales agent shall submit a renewal fee to the 1219
commission, if one is required by rule adopted by the director 1220
under Chapter 119. of the Revised Code ~~and the controlling board~~ 1221
~~approves the renewal fee.~~ The renewal fee shall not exceed the 1222
actual cost of administering the license renewal and processing 1223
changes reflected in the renewal application. The renewal of the 1224
license is effective for at least one year, but not more than 1225
three years. 1226

(3) A lottery sales agent license shall be complete, 1227
accurate, and current at all times during the term of the license. 1228
Any changes to an original license application or a renewal 1229
application may subject the applicant or lottery sales agent, as 1230
applicable, to paying an administrative fee that shall be in an 1231
amount that the director determines by rule adopted under Chapter 1232
119. of the Revised Code, ~~that the controlling board approves,~~ and 1233
that shall not exceed the actual cost of administering and 1234
processing the changes to an application. 1235

(4) The relationship between the commission and a lottery 1236
sales agent is one of trust. A lottery sales agent collects funds 1237
on behalf of the commission through the sale of lottery tickets 1238
for which the agent receives a compensation. 1239

(H) Pending a final resolution of any question arising under 1240
this section, the director of the state lottery commission may 1241
issue a temporary lottery sales agent license, subject to the 1242
terms and conditions the director considers appropriate. 1243

(I) If a lottery sales agent's rental payments for the 1244
lottery sales agent's premises are determined, in whole or in 1245
part, by the amount of retail sales the lottery sales agent makes, 1246
and if the rental agreement does not expressly provide that the 1247
amount of those retail sales includes the amounts the lottery 1248
sales agent receives from lottery ticket sales, only the amounts 1249

the lottery sales agent receives as compensation from the state 1250
lottery commission for selling lottery tickets shall be considered 1251
to be amounts the lottery sales agent receives from the retail 1252
sales the lottery sales agent makes, for the purpose of computing 1253
the lottery sales agent's rental payments. 1254

Sec. 3772.01. As used in this chapter: 1255

(A) "Applicant" means any person who applies to the 1256
commission for a license under this chapter. 1257

(B) "Casino control commission fund" means the casino control 1258
commission fund described in Section 6(C)(3)(d) of Article XV, 1259
Ohio Constitution, the money in which shall be used to fund the 1260
commission and its related affairs. 1261

(C) "Casino facility" means a casino facility as defined in 1262
Section 6(C)(9) of Article XV, Ohio Constitution. 1263

(D) "Casino game" means any slot machine or table game as 1264
defined in this chapter. 1265

(E) "Casino gaming" means any type of slot machine or table 1266
game wagering, using money, casino credit, or any representative 1267
of value, authorized in any of the states of Indiana, Michigan, 1268
Pennsylvania, and West Virginia as of January 1, 2009, and 1269
includes slot machine and table game wagering subsequently 1270
authorized by, but shall not be limited by, subsequent 1271
restrictions placed on such wagering in such states. "Casino 1272
gaming" does not include bingo, as authorized in Section 6 of 1273
Article XV, Ohio Constitution and conducted as of January 1, 2009, 1274
or horse racing where the pari-mutuel system of wagering is 1275
conducted, as authorized under the laws of this state as of 1276
January 1, 2009. 1277

(F) "Casino gaming employee" means any employee of a casino 1278
operator or management company, but not a key employee, and as 1279

further defined in section 3772.131 of the Revised Code. 1280

(G) "Casino operator" means any person, trust, corporation, 1281
partnership, limited partnership, association, limited liability 1282
company, or other business enterprise that directly or indirectly 1283
holds an ownership or leasehold interest in a casino facility. 1284
"Casino operator" does not include an agency of the state, any 1285
political subdivision of the state, any person, trust, 1286
corporation, partnership, limited partnership, association, 1287
limited liability company, or other business enterprise that may 1288
have an interest in a casino facility, but who is legally or 1289
contractually restricted from conducting casino gaming. 1290

(H) "Central system" means a computer system that provides 1291
the following functions related to casino gaming equipment used in 1292
connection with casino gaming authorized under this chapter or 1293
skill-based amusement machine equipment used in accordance with 1294
this chapter and Chapter 2915. of the Revised Code: security, 1295
auditing, data and information retrieval, and other purposes 1296
deemed necessary and authorized by the commission. 1297

(I) "Cheat" means to alter the result of a casino game, the 1298
element of chance, the operation of a machine used in a casino 1299
game, or the method of selection of criteria that determines (a) 1300
the result of the casino game, (b) the amount or frequency of 1301
payment in a casino game, (c) the value of a wagering instrument, 1302
or (d) the value of a wagering credit. "Cheat" does not include an 1303
individual who, without the assistance of another individual or 1304
without the use of a physical aid or device of any kind, uses the 1305
individual's own ability to keep track of the value of cards 1306
played and uses predictions formed as a result of the tracking 1307
information in the individual's playing and betting strategy. 1308

(J) "Commission" means the Ohio casino control commission. 1309

(K) "Gaming agent" means a peace officer employed by the 1310

commission that is vested with duties to enforce this chapter and 1311
conduct other investigations into the conduct of the casino gaming 1312
and the maintenance of the equipment that the commission considers 1313
necessary and proper and is in compliance with section 109.77 of 1314
the Revised Code. 1315

(L) "Gaming-related vendor" means any individual, 1316
partnership, corporation, association, trust, or any other group 1317
of individuals, however organized, who supplies gaming-related 1318
equipment, goods, or services to a casino operator or management 1319
company, that are directly related to or affect casino gaming 1320
authorized under this chapter, including, but not limited to, the 1321
manufacture, sale, distribution, or repair of slot machines and 1322
table game equipment, or who supplies skill-based amusement 1323
machine equipment, goods, or services to a skill-based amusement 1324
machine operator. 1325

(M) "Holding company" means any corporation, firm, 1326
partnership, limited partnership, limited liability company, 1327
trust, or other form of business organization not a natural person 1328
which directly or indirectly does any of the following: 1329

(1) Has the power or right to control a casino operator, 1330
management company, skill-based amusement machine operator, or 1331
gaming-related vendor license applicant or licensee; 1332

(2) Holds an ownership interest of five per cent or more, as 1333
determined by the commission, in a casino operator, management 1334
company, skill-based amusement machine operator, or gaming-related 1335
vendor license applicant or licensee; 1336

(3) Holds voting rights with the power to vote five per cent 1337
or more of the outstanding voting rights of a casino operator, 1338
management company, skill-based amusement machine operator, or 1339
gaming-related vendor applicant or licensee. 1340

(N) "Initial investment" includes costs related to 1341

demolition, engineering, architecture, design, site preparation, 1342
construction, infrastructure improvements, land acquisition, 1343
fixtures and equipment, insurance related to construction, and 1344
leasehold improvements. 1345

(O) "Institutional investor" means any of the following 1346
entities owning five per cent or more, but less than fifteen per 1347
cent, of an ownership interest in a casino facility, casino 1348
operator, management company, skill-based amusement machine 1349
operator, gaming-related vendor, or holding company: a 1350
corporation, bank, insurance company, pension fund or pension fund 1351
trust, retirement fund, including funds administered by a public 1352
agency, employees' profit-sharing fund or employees' 1353
profit-sharing trust, any association engaged, as a substantial 1354
part of its business or operations, in purchasing or holding 1355
securities, including a hedge fund, mutual fund, or private equity 1356
fund, or any trust in respect of which a bank is trustee or 1357
cotrustee, investment company registered under the "Investment 1358
Company Act of 1940," 15 U.S.C. 80a-1 et seq., collective 1359
investment trust organized by banks under Part Nine of the Rules 1360
of the Comptroller of the Currency, closed-end investment trust, 1361
chartered or licensed life insurance company or property and 1362
casualty insurance company, investment advisor registered under 1363
the "Investment Advisors Act of 1940," 15 U.S.C. 80 b-1 et seq., 1364
and such other persons as the commission may reasonably determine 1365
to qualify as an institutional investor for reasons consistent 1366
with this chapter, and that does not exercise control over the 1367
affairs of a licensee and its ownership interest in a licensee is 1368
for investment purposes only, as set forth in division (E) of 1369
section 3772.10 of the Revised Code. 1370

(P) "Key employee" means any executive, employee, or agent 1371
who has the power to exercise significant influence over decisions 1372
concerning any part of the operation of a casino operator ~~or,~~ 1373

~~management company licensee having the power to exercise~~ 1374
~~significant influence over decisions concerning any part of the~~ 1375
~~operation of such licensee, skill-based amusement machine~~ 1376
~~operator, holding company, or gaming-related vendor, including:~~ 1377

(1) An officer, director, trustee, or partner of a person 1378
that has applied for or holds a casino operator, management 1379
company, skill-based amusement machine operator, or gaming-related 1380
vendor license or of a holding company that has control of a 1381
person that has applied for or holds a casino operator, management 1382
company, skill-based amusement machine operator, or gaming-related 1383
vendor license; 1384

(2) A person that holds a direct or indirect ownership 1385
interest of more than one per cent in a person that has applied 1386
for or holds a casino operator, management company, skill-based 1387
amusement machine operator, or gaming-related vendor license or 1388
holding company that has control of a person that has applied for 1389
or holds a casino operator, management company, skill-based 1390
amusement machine operator, or gaming-related vendor license; 1391

(3) A managerial employee who performs the function of 1392
principal executive officer, principal operating officer, 1393
principal accounting officer, or an equivalent officer or other 1394
person the commission determines has the power to exercise 1395
significant influence over decisions concerning any part of the 1396
operation of a person that has applied for or holds a casino 1397
operator, management company, skill-based amusement machine 1398
operator, or gaming-related vendor license in Ohio, or a 1399
~~managerial employee~~ of a holding company that has control of a 1400
person that has applied for or holds ~~a casino operator or~~ 1401
~~gaming-related vendor license in Ohio, who performs the function~~ 1402
~~of principal executive officer, principal operating officer,~~ 1403
~~principal accounting officer, or an equivalent officer or other~~ 1404
~~person the commission determines to have the power to exercise~~ 1405

~~significant influence over decisions concerning any part of the~~ 1406
~~operation of such licensee a license.~~ 1407

The commission shall determine whether an individual whose 1408
duties or status varies from those described in this division also 1409
is considered a key employee. 1410

(Q) "Licensed casino operator" means a casino operator that 1411
has been issued a license by the commission and that has been 1412
certified annually by the commission to have paid all applicable 1413
fees, taxes, and debts to the state. 1414

(R) "Majority ownership interest" in a license or in a casino 1415
facility, as the case may be, means ownership of more than fifty 1416
per cent of such license or casino facility, as the case may be. 1417
For purposes of the foregoing, whether a majority ownership 1418
interest is held in a license or in a casino facility, as the case 1419
may be, shall be determined under the rules for constructive 1420
ownership of stock provided in Treas. Reg. 1.409A-3(i)(5)(iii) as 1421
in effect on January 1, 2009. 1422

(S) "Management company" means an organization retained by a 1423
casino operator to manage a casino facility and provide services 1424
such as accounting, general administration, maintenance, 1425
recruitment, and other operational services. 1426

(T) "Ohio law enforcement training fund" means the state law 1427
enforcement training fund described in Section 6(C)(3)(f) of 1428
Article XV, Ohio Constitution, the money in which shall be used to 1429
enhance public safety by providing additional training 1430
opportunities to the law enforcement community. 1431

(U) "Person" includes, but is not limited to, an individual 1432
or a combination of individuals; a sole proprietorship, a firm, a 1433
company, a joint venture, a partnership of any type, a joint-stock 1434
company, a corporation of any type, a corporate subsidiary of any 1435
type, a limited liability company, a business trust, or any other 1436

business entity or organization; an assignee; a receiver; a trustee in bankruptcy; an unincorporated association, club, society, or other unincorporated entity or organization; entities that are disregarded for federal income tax purposes; and any other nongovernmental, artificial, legal entity that is capable of engaging in business.

(V) "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.

(W) "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.

(X) "Skill-based amusement machine" has the same meaning as in section 2915.01 of the Revised Code.

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

(Z) "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, but does not include any device that is a skill-based amusement machine, as defined in section 2915.01 of the Revised Code.

~~(Y)~~(AA) "Table game" means any game played with cards, dice, 1468
or any mechanical, electromechanical, or electronic device or 1469
machine for money, casino credit, or any representative of value. 1470
"Table game" does not include slot machines. 1471

~~(Z)~~(BB) "Upfront license" means the first plenary license 1472
issued to a casino operator. 1473

~~(AA)~~(CC) "Voluntary exclusion program" means a program 1474
provided by the commission that allows persons to voluntarily 1475
exclude themselves from the gaming areas of facilities under the 1476
jurisdiction of the commission by placing their name on a 1477
voluntary exclusion list and following the procedures set forth by 1478
the commission. 1479

Sec. 3772.02. (A) There is hereby created the Ohio casino 1480
control commission described in Section 6(C)(1) of Article XV, 1481
Ohio Constitution. 1482

(B) The commission shall consist of seven members appointed 1483
within one month of ~~the effective date of this section~~ September 1484
10, 2010, by the governor with the advice and consent of the 1485
senate. The governor shall forward all appointments to the senate 1486
within twenty-four hours. 1487

(1) Each commission member is eligible for reappointment at 1488
the discretion of the governor. No commission member shall be 1489
appointed for more than three terms in total. 1490

(2) Each commission member shall be a resident of Ohio. 1491

(3) At least one commission member shall be experienced in 1492
law enforcement and criminal investigation. 1493

(4) At least one commission member shall be a certified 1494
public accountant experienced in accounting and auditing. 1495

(5) At least one commission member shall be an attorney 1496
admitted to the practice of law in Ohio. 1497

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

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

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

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

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

(E) The governor shall select one member to serve as chairperson and the commission members shall select one member from a different party than the chairperson to serve as vice-chairperson. The governor may remove and replace the chairperson at any time. No such member shall serve as chairperson for more than six successive years. The vice-chairperson shall assume the duties of the chairperson in the absence of the

chairperson. The chairperson and vice-chairperson shall perform 1529
but shall not be limited to additional duties as are prescribed by 1530
commission rule. 1531

(F) A commission member is not required to devote the 1532
member's full time to membership on the commission. Each member of 1533
the commission shall receive compensation of ~~sixty~~ thirty thousand 1534
dollars per year, payable in monthly installments ~~for the first~~ 1535
~~four years of the commission's existence~~. Each member shall 1536
receive the member's actual and necessary expenses incurred in the 1537
discharge of the member's official duties. 1538

(G) The governor shall not appoint an individual to the 1539
commission, and an individual shall not serve on the commission, 1540
if the individual has been convicted of or pleaded guilty or no 1541
contest to a disqualifying offense as defined in section 3772.07 1542
of the Revised Code. Members coming under indictment or bill of 1543
information of a disqualifying offense shall resign from the 1544
commission immediately upon indictment. 1545

(H) At least five commission members shall be present for the 1546
commission to meet. The concurrence of four members is necessary 1547
for the commission to take any action. All members shall vote on 1548
the adoption of rules, and the approval of, and the suspension or 1549
revocation of, the licenses of casino operators or management 1550
companies, unless a member has a written leave of absence filed 1551
with and approved by the chairperson. 1552

(I) A commission member may be removed or suspended from 1553
office in accordance with section 3.04 of the Revised Code. 1554

(J) Each commission member, before entering upon the 1555
discharge of the member's official duties, shall make an oath to 1556
uphold the Ohio Constitution and laws of the state of Ohio and 1557
shall give a bond, payable by the commission, to the treasurer of 1558
state, in the sum of ten thousand dollars with sufficient sureties 1559

to be approved by the treasurer of state, which bond shall be 1560
filed with the secretary of state. 1561

(K) The commission shall hold one regular meeting each month 1562
and shall convene other meetings at the request of the chairperson 1563
or a majority of the members. A member who fails to attend at 1564
least three-fifths of the regular and special meetings of the 1565
commission during any two-year period forfeits membership on the 1566
commission. All meetings of the commission shall be open meetings 1567
under section 121.22 of the Revised Code except as otherwise 1568
allowed by law. 1569

Sec. 3772.03. (A) To ensure the integrity of casino gaming 1570
and skill-based amusement machines, the commission shall have 1571
authority to complete the functions of licensing, regulating, 1572
investigating, and penalizing casino operators, management 1573
companies, holding companies, key employees, casino gaming 1574
employees, skill-based amusement machine operators, and 1575
gaming-related vendors. The commission also shall have 1576
jurisdiction over all persons participating in casino gaming 1577
authorized by Section 6(C) of Article XV, Ohio Constitution, and 1578
this chapter and in skill-based amusement machine operations 1579
authorized by this chapter and Chapter 2915. of the Revised Code. 1580

(B) All rules adopted by the commission under this chapter 1581
shall be adopted under procedures established in Chapter 119. of 1582
the Revised Code. The commission may contract for the services of 1583
experts and consultants to assist the commission in carrying out 1584
its duties under this section. 1585

(C) ~~Within six months of September 10, 2010, the~~ The 1586
commission shall adopt ~~initial~~ rules as are necessary for 1587
completing the functions stated in division (A) of this section 1588
and for addressing the subjects enumerated in division (D) of this 1589
section. 1590

(D) The commission shall adopt, and as advisable and necessary shall amend or repeal, rules that include all of the following:	1591 1592 1593
(1) The prevention of practices detrimental to the public interest;	1594 1595
(2) Prescribing the method of applying, and the form of application, that an applicant for a license under this chapter must follow as otherwise described in this chapter;	1596 1597 1598
(3) Prescribing the information to be furnished by an applicant or licensee as described in section 3772.11 of the Revised Code <u>this chapter</u> ;	1599 1600 1601
(4) Describing the certification standards and duties of 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, <u>management company, or skill-based amusement machine operator</u> ;	1602 1603 1604 1605 1606
(5) The minimum amount of insurance that must be maintained by a casino operator, management company, <u>skill-based amusement machine operator</u> , holding company, or gaming-related vendor;	1607 1608 1609
(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;	1610 1611 1612
(7) The design of <u>casino gaming and skill-based amusement machine</u> supplies, devices, and equipment to be distributed by gaming-related vendors;	1613 1614 1615
(8) Identifying the casino gaming that is permitted, identifying the <u>casino gaming and skill-based amusement machine</u> supplies, devices, and equipment, that are permitted, defining the area in which the permitted casino gaming may be conducted, and specifying the method of operation according to which the	1616 1617 1618 1619 1620

permitted casino gaming is to be conducted as provided in section 1621
3772.20 of the Revised Code, and requiring casino gaming and 1622
skill-based amusement machine devices and equipment to meet the 1623
standards of this state; 1624

(9) Tournament play in any casino facility; 1625

(10) Establishing and implementing a voluntary exclusion 1626
program that provides all of the following: 1627

(a) Except as provided by commission rule, a person who 1628
participates in the program shall agree to refrain from entering a 1629
casino facility. 1630

(b) The name of a person participating in the program shall 1631
be included on a list of persons excluded from all casino 1632
facilities. 1633

(c) Except as provided by commission rule, no person who 1634
participates in the program shall petition the commission for 1635
admittance into a casino facility. 1636

(d) The list of persons participating in the program and the 1637
personal information of those persons shall be confidential and 1638
shall only be disseminated by the commission to a casino operator 1639
and the agents and employees of the casino operator for purposes 1640
of enforcement and to other entities, upon request of the 1641
participant and agreement by the commission. 1642

(e) A casino operator shall make all reasonable attempts as 1643
determined by the commission to cease all direct marketing efforts 1644
to a person participating in the program. 1645

(f) A casino operator shall not cash the check of a person 1646
participating in the program or extend credit to the person in any 1647
manner. However, the program shall not exclude a casino operator 1648
from seeking the payment of a debt accrued by a person before 1649
participating in the program. 1650

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

(h) A person who enters a casino facility while participating in the program shall surrender any money or thing of value that the person has converted or attempted to convert into a wagering instrument, including, but not limited to, chips, tokens, prizes, jackpots, non-complimentary pay vouchers, cash, cash equivalents, electronic credits, and vouchers representing electronic credits, to the commission for deposit in the problem casino gambling and addictions fund.

(11) Requiring the commission to adopt standards regarding the marketing materials of a licensed casino operator and skill-based amusement machine operator, including allowing the commission to prohibit marketing materials that are contrary to the adopted standards;

(12) Requiring that the records, including financial statements, of any casino operator, management company, skill-based amusement machine operator, holding company, and gaming-related vendor be maintained in the manner prescribed by the commission and made available for inspection upon demand by the commission, but shall be subject to section 3772.16 of the Revised Code;

(13) Permitting a licensed casino operator, management company, skill-based amusement machine operator, key employee, or casino gaming employee to question a person suspected of violating this chapter;

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

(15) Establishing standards for provisional key employee licenses for a person who is required to be licensed as a key

employee and is in exigent circumstances and standards for 1682
provisional licenses for casino gaming employees who submit 1683
complete applications and are compliant under an instant 1684
background check. A provisional license shall be valid not longer 1685
than three months. A provisional license may be renewed one time, 1686
at the commission's discretion, for an additional three months. In 1687
establishing standards with regard to instant background checks 1688
the commission shall take notice of criminal records checks as 1689
they are conducted under section 311.41 of the Revised Code using 1690
electronic fingerprint reading devices. 1691

(16) Establishing approval procedures for third-party 1692
engineering or accounting firms, as described in section 3772.09 1693
of the Revised Code; 1694

(17) Prescribing the manner in which winnings, compensation 1695
from casino gaming, and gross revenue must be computed and 1696
reported by a licensee as described in Chapter 5753. of the 1697
Revised Code and in which winnings or compensation from 1698
skill-based amusement machine operations must be computed and 1699
reported by a licensee under this chapter; 1700

(18) Prescribing conditions under which a licensee's license 1701
may be suspended or revoked as described in section 3772.04 of the 1702
Revised Code; 1703

(19) Prescribing the manner and procedure of all hearings to 1704
be conducted by the commission or by any hearing examiner; 1705

(20) Prescribing technical standards and requirements that 1706
are to be met by security and surveillance equipment that is used 1707
at and standards and requirements to be met by personnel who are 1708
employed at casino facilities, and standards and requirements for 1709
the provision of security at and surveillance of casino 1710
facilities; 1711

(21) Prescribing requirements for a casino operator to 1712

provide unarmed security services at a casino facility by licensed 1713
casino employees, and the training that shall be completed by 1714
these employees; 1715

(22) Prescribing standards according to which casino 1716
operators shall keep accounts and standards according to which 1717
casino accounts shall be audited, and establish means of assisting 1718
the tax commissioner in levying and collecting the gross casino 1719
revenue tax levied under section 5753.02 of the Revised Code, and 1720
standards according to which skill-based amusement machine 1721
operators shall keep accounts and standards according to which 1722
such accounts shall be audited; 1723

(23) Defining penalties for violation of commission rules and 1724
a process for imposing such penalties subject to the review of the 1725
joint committee on gaming and wagering; 1726

(24) Establishing standards for decertifying contractors that 1727
violate statutes or rules of this state or the federal government; 1728

(25) Establishing standards for the repair of casino gaming 1729
equipment and skill-based amusement machines; 1730

(26) Establishing procedures to ensure that casino operators, 1731
management companies, and holding companies are compliant with the 1732
compulsive and problem gambling plan submitted under section 1733
3772.18 of the Revised Code; 1734

(27) Prescribing, for institutional investors in or holding 1735
companies of a casino operator, management company, skill-based 1736
amusement machine operator, holding company, or gaming-related 1737
vendor that fall below the threshold needed to be considered an 1738
institutional investor or a holding company, standards regarding 1739
what any employees, members, or owners of those investors or 1740
holding companies may do and shall not do in relation to casino 1741
facilities and casino gaming or skill-based amusement machines in 1742
this state, which standards shall rationally relate to the need to 1743

proscribe conduct that is inconsistent with passive institutional 1744
investment status; 1745

(28) Providing for any other thing necessary and proper for 1746
successful and efficient regulation of casino gaming and 1747
skill-based amusement machines under this chapter. 1748

(E) The commission shall employ and assign gaming agents as 1749
necessary to assist the commission in carrying out the duties of 1750
this chapter and Chapter 2915. of the Revised Code. In order to 1751
maintain employment as a gaming agent, the gaming agent shall 1752
successfully complete all continuing training programs required by 1753
the commission and shall not have been convicted of or pleaded 1754
guilty or no contest to a disqualifying offense as defined in 1755
section 3772.07 of the Revised Code. 1756

(F) The commission, as a law enforcement agency, and its 1757
gaming agents, as law enforcement officers as defined in section 1758
2901.01 of the Revised Code, shall have authority with regard to 1759
the detection and investigation of, the seizure of evidence 1760
allegedly relating to, and the apprehension and arrest of persons 1761
allegedly committing gaming violations of this chapter or gambling 1762
offenses as defined in section 2915.01 of the Revised Code or 1763
violating any other law of this state that may affect the 1764
integrity of casino gaming or the operation of skill-based 1765
amusement machines, and shall have access to casino facilities and 1766
skill-based amusement machine operators' facilities to carry out 1767
the requirements of this chapter. 1768

(G) The commission may eject or exclude or authorize the 1769
ejection or exclusion of and a gaming agent may eject a person 1770
from a casino facility for any of the following reasons: 1771

(1) The person's name is on the list of persons voluntarily 1772
excluding themselves from all casinos in a program established 1773
according to rules adopted by the commission; 1774

(2) The person violates or conspires to violate this chapter 1775
or a rule adopted thereunder; or 1776

(3) The commission determines that the person's conduct or 1777
reputation is such that the person's presence within a casino 1778
facility may call into question the honesty and integrity of the 1779
casino gaming operations or interfere with the orderly conduct of 1780
the casino gaming operations. 1781

(H) A person, other than a person participating in a 1782
voluntary exclusion program, may petition the commission for a 1783
public hearing on the person's ejection or exclusion under this 1784
chapter. 1785

(I) A casino operator or management company shall have the 1786
same authority to eject or exclude a person from the management 1787
company's casino facilities as authorized in division (G) of this 1788
section. The licensee shall immediately notify the commission of 1789
an ejection or exclusion. 1790

(J) The commission shall submit a written annual report with 1791
the governor, president and minority leader of the senate, speaker 1792
and minority leader of the house of representatives, and joint 1793
committee on gaming and wagering before the first day of September 1794
each year. The annual report shall include a statement describing 1795
the receipts and disbursements of the commission, relevant 1796
financial data regarding casino gaming, including gross revenues 1797
and disbursements made under this chapter, actions taken by the 1798
commission, an update on casino operators', management companies', 1799
and holding companies' compulsive and problem gambling plans and 1800
the voluntary exclusion program and list, and any additional 1801
information that the commission considers useful or that the 1802
governor, president or minority leader of the senate, speaker or 1803
minority leader of the house of representatives, or joint 1804
committee on gaming and wagering requests. 1805

(K) ~~Notwithstanding any law to the contrary, beginning on~~ 1806
~~July 1, 2011, the~~ The commission shall ~~assume~~ have jurisdiction 1807
over and oversee the regulation of skill-based amusement machines 1808
as is provided in the law of this state. 1809

Sec. 3772.032. (A) The permanent joint committee on gaming 1810
and wagering is established. The committee consists of six 1811
members. The speaker of the house of representatives shall appoint 1812
to the committee three members of the house of representatives and 1813
the president of the senate shall appoint to the committee three 1814
members of the senate. Not more than two members appointed from 1815
each chamber may be members of the same political party. The 1816
chairperson shall be from the opposite house as the chairperson of 1817
the joint committee on agency rule review. If the chairperson is 1818
to be from the house of representatives, the speaker of the house 1819
of representatives shall designate a member as the chairperson and 1820
the president of the senate shall designate a member as the 1821
vice-chairperson. If the chairperson is to be from the senate, the 1822
president of the senate shall designate a member as the 1823
chairperson and the speaker of the house of representatives shall 1824
designate a member as the vice-chairperson. 1825

(B) The committee shall: 1826

(1) Review all constitutional amendments, laws, and rules 1827
governing the operation and administration of casino gaming and 1828
skill-based amusement machines and all authorized gaming and 1829
wagering activities and recommend to the general assembly and 1830
commission any changes it may find desirable with respect to the 1831
language, structure, and organization of those amendments, laws, 1832
or rules; 1833

(2) Make an annual report to the governor and to the general 1834
assembly with respect to the operation and administration of 1835
casino gaming and skill-based amusement machines; 1836

(3) Review all changes of fees and penalties as provided in 1837
this chapter and rules adopted thereunder; and 1838

(4) Study all proposed changes to the constitution and laws 1839
of this state and to the rules adopted by the commission governing 1840
the operation and administration of casino gaming and skill-based 1841
amusement machines, and report to the general assembly on their 1842
adequacy and desirability as a matter of public policy. 1843

(C) Any study, or any expense incurred, in furtherance of the 1844
committee's objectives shall be paid for from, or out of, the 1845
casino control commission fund or other appropriation provided by 1846
law. The members shall receive no additional compensation, but 1847
shall be reimbursed for actual and necessary expenses incurred in 1848
the performance of their official duties. 1849

Sec. 3772.033. In carrying out the responsibilities vested in 1850
the commission by this chapter, the commission may do all the 1851
following and may designate any such responsibilities to the 1852
executive director, to the commission's employees, or to the 1853
gaming agents: 1854

(A) Inspect and examine all premises where casino gaming is 1855
conducted, skill-based amusement machines are operated, or where 1856
casino gaming or skill-based amusement machine supplies, devices, 1857
or equipment are manufactured, sold, or distributed; 1858

(B) Inspect all casino gaming or skill-based amusement 1859
machine supplies, devices, and equipment in or about a casino 1860
facility or skill-based amusement machine operator facility; 1861

(C) Summarily impound and seize and remove from the casino 1862
facility or skill-based amusement machine operator facility 1863
premises casino gaming or skill-based amusement machine supplies, 1864
devices, and equipment for the purpose of examination and 1865
inspection; 1866

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

(E) Audit casino gaming or skill-based amusement machine operations, including those that have ceased operation;

(F) Investigate, for the purpose of prosecution, any suspected violation of this chapter or rules adopted thereunder or of Chapter 2915. of the Revised Code or any other law of this state that may affect the integrity of casino gaming or operation of skill-based amusement machines;

(G) Investigate as appropriate to aid the commission and to seek the executive director's advice in adopting rules;

(H) Secure information as is necessary to provide a basis for recommending legislation for the improvement of this chapter;

(I) Make, execute, and otherwise effectuate all contracts and other agreements, including contracts for necessary purchases of goods and services. Except for any contract entered into with independent testing laboratories under section 3772.31 of the Revised Code, the commission shall ensure use of Ohio products or services in compliance with sections 125.09 and 125.11 of the Revised Code and all rules adopted thereunder.

(J) Employ the services of persons the commission considers necessary for the purposes of consultation or investigation, and fix the salaries of, or contract for the services of, legal, accounting, technical, operational, and other personnel and consultants;

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

(L) Acquire furnishings, equipment, supplies, stationery, 1897
books, and all other things the commission considers necessary or 1898
desirable to successfully and efficiently carry out the 1899
commission's duties and functions; and 1900

(M) Perform all other things the commission considers 1901
necessary to effectuate the intents and purposes of this chapter 1902
and Chapter 2915. of the Revised Code. This section shall not 1903
prohibit the commission from imposing administrative discipline, 1904
including fines and suspension or revocation of licenses, on 1905
licensees under this chapter if the licensee is found to be in 1906
violation of the commission's rules. 1907

Sec. 3772.04. (A)(1) If the commission concludes that a 1908
license required by this chapter should be limited, conditioned, 1909
restricted, suspended, revoked, denied, or not renewed, the 1910
commission may, and if so requested by a licensee or applicant, 1911
shall, conduct a hearing in an adjudication under Chapter 119. of 1912
the Revised Code. After notice and opportunity for a hearing, the 1913
commission may limit, condition, restrict, suspend, revoke, deny, 1914
or not renew a license under rules adopted by the commission. The 1915
commission may reopen a licensing adjudication at any time. 1916

(2) The commission shall appoint a hearing examiner to 1917
conduct the hearing in the adjudication. A party to the 1918
adjudication may file written objections to the hearing examiner's 1919
report and recommendations not later than the thirtieth day after 1920
they are served upon the party or the party's attorney or other 1921
representative of record. The commission shall not take up the 1922
hearing examiner's report and recommendations earlier than the 1923
thirtieth day after the hearing examiner's report and 1924
recommendations were submitted to the commission. 1925

(3) If the commission finds that a person fails or has failed 1926
to meet any requirement under this chapter or a rule adopted 1927

thereunder or under Chapter 2915. of the Revised Code, or violates 1928
or has violated this chapter or a rule adopted thereunder or 1929
Chapter 2915. of the Revised Code or a rule adopted thereunder, 1930
the commission may issue an order: 1931

(a) Limiting, conditioning, restricting, suspending, 1932
revoking, denying, or not renewing, a license issued under this 1933
chapter; 1934

(b) Requiring a casino facility to exclude a licensee from 1935
the casino facility or requiring a casino facility not to pay to 1936
the licensee any remuneration for services or any share of 1937
profits, income, or accruals on the licensee's investment in the 1938
casino facility; or 1939

(c) Fining a licensee or other person according to the 1940
penalties adopted by the commission. 1941

(4) An order may be judicially reviewed under section 119.12 1942
of the Revised Code. 1943

(B) Without in any manner limiting the authority of the 1944
commission to impose the level and type of discipline the 1945
commission considers appropriate, the commission may take into 1946
consideration the following: 1947

(1) If the licensee knew or reasonably should have known that 1948
the action complained of was a violation of any law, rule, or 1949
condition on the licensee's license; 1950

(2) If the licensee has previously been disciplined by the 1951
commission; 1952

(3) If the licensee has previously been subject to discipline 1953
by the commission concerning the violation of any law, rule, or 1954
condition of the licensee's license; 1955

(4) If the licensee reasonably relied upon professional 1956
advice from a lawyer, doctor, accountant, or other recognized 1957

professional that was relevant to the action resulting in the violation;	1958 1959
(5) If the licensee or the licensee's employer had a reasonably constituted and functioning compliance program;	1960 1961
(6) If the imposition of a condition requiring the licensee to establish and implement a written self-enforcement and compliance program would assist in ensuring the licensee's future compliance with all statutes, rules, and conditions of the license;	1962 1963 1964 1965 1966
(7) If the licensee realized a pecuniary gain from the violation;	1967 1968
(8) If the amount of any fine or other penalty imposed would result in disgorgement of any gains unlawfully realized by the licensee;	1969 1970 1971
(9) If the violation was caused by an officer or employee of the licensee, the level of authority of the individual who caused the violation;	1972 1973 1974
(10) If the individual who caused the violation acted within the scope of the individual's authority as granted by the licensee;	1975 1976 1977
(11) The adequacy of any training programs offered by the licensee or the licensee's employer that were relevant to the activity that resulted in the violation;	1978 1979 1980
(12) If the licensee's action substantially deviated from industry standards and customs;	1981 1982
(13) The extent to which the licensee cooperated with the commission during the investigation of the violation;	1983 1984
(14) If the licensee has initiated remedial measures to prevent similar violations;	1985 1986
(15) The magnitude of penalties imposed on other licensees	1987

for similar violations;	1988
(16) The proportionality of the penalty in relation to the misconduct;	1989 1990
(17) The extent to which the amount of any fine imposed would punish the licensee for the conduct and deter future violations;	1991 1992
(18) Any mitigating factors offered by the licensee; and	1993
(19) Any other factors the commission considers relevant.	1994
(C) For the purpose of conducting any study or investigation, the commission may direct that public hearings be held at a time and place, prescribed by the commission, in accordance with section 121.22 of the Revised Code. The commission shall give notice of all public hearings in such manner as will give actual notice to all interested parties.	1995 1996 1997 1998 1999 2000
(D)(1) For the purpose of conducting the hearing in an adjudication under division (A) of this section, or in the discharge of any duties imposed by this chapter, the commission may require that testimony be given under oath and administer such oath, issue subpoenas compelling the attendance of witnesses and the production of any papers, books, and accounts, directed to the sheriffs of the counties where such witnesses or papers, books, and accounts are found and cause the deposition of any witness. The subpoenas shall be served and returned in the same manner as subpoenas in criminal cases are served and returned. The fees of sheriffs shall be the same as those allowed by the court of common pleas in criminal cases.	2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012
(2) In the event of the refusal of any person without good cause to comply with the terms of a subpoena issued by the commission or refusal to testify on matters about which the person may lawfully be questioned, the prosecuting attorney of the county in which such person resides, upon the petition of the commission, may bring a proceeding for contempt against such person in the	2013 2014 2015 2016 2017 2018

court of common pleas of that county. 2019

(3) Witnesses shall be paid the fees and mileage provided for 2020
in section 119.094 of the Revised Code. 2021

(4) All fees and mileage expenses incurred at the request of 2022
a party shall be paid in advance by the party. 2023

(E) When conducting a public hearing, the commission shall 2024
not limit the number of speakers who may testify. However, the 2025
commission may set reasonable time limits on the length of an 2026
individual's testimony or the total amount of time allotted to 2027
proponents and opponents of an issue before the commission. 2028

(F) The commission may rely, in whole or in part, upon 2029
investigations, conclusions, or findings of other casino gaming 2030
commissions or other government regulatory bodies in connection 2031
with licensing, investigations, or other matters relating to an 2032
applicant or licensee under this chapter. 2033

(G) Notwithstanding anything to the contrary in this chapter, 2034
and except with respect to a casino operator, management company, 2035
or holding company of or affiliated with a casino facility, the 2036
executive director may issue an emergency order for the 2037
suspension, limitation, or conditioning of any license, 2038
registration, approval, or certificate issued, approved, granted, 2039
or otherwise authorized by the commission under Chapter 3772. of 2040
the Revised Code or the rules adopted thereunder, requiring the 2041
inclusion of persons on the commission's exclusion list provided 2042
for under section 3772.031 of the Revised Code and the rules 2043
adopted thereunder, and requiring a casino facility not to pay a 2044
licensee, registrant, or approved or certified person any 2045
remuneration for services or any share of profits, income, or 2046
accruals on that person's investment in the casino facility. 2047

(1) An emergency order may be issued when the executive 2048
director finds either of the following: 2049

(a) A licensee, registrant, or approved or certified person 2050
has been charged with a violation of any of the criminal laws of 2051
this state, another state, or the federal government; 2052

(b) Such an action is necessary to prevent a violation of 2053
this chapter or a rule adopted thereunder. 2054

(2) An emergency order issued under division (G) of this 2055
section shall state the reasons for the commission's action, cite 2056
the law or rule directly involved, and state that the party will 2057
be afforded a hearing if the party requests it within thirty days 2058
after the time of mailing or personal delivery of the order. 2059

(3)(a) Not later than the next business day after the 2060
issuance of the emergency order, the order shall be sent by 2061
registered or certified mail, return receipt requested, to the 2062
party at the party's last known mailing address appearing in the 2063
commission's records or personally delivered at any time to the 2064
party by an employee or agent of the commission. 2065

(b) A copy of the order shall be mailed to the attorney or 2066
other representative of record representing the party. 2067

(c) If the order sent by registered or certified mail is 2068
returned because the party fails to claim the order, the 2069
commission shall send the order by ordinary mail to the party at 2070
the party's last known address and shall obtain a certificate of 2071
mailing. Service by ordinary mail is complete when the certificate 2072
of mailing is obtained unless the order is returned showing 2073
failure of delivery. 2074

(d) If the order sent by registered, certified, or ordinary 2075
mail is returned for failure of delivery, the commission shall 2076
either make personal delivery of the order by an employee or agent 2077
of the commission or cause a summary of the substantive provisions 2078
of the order to be published once a week for three consecutive 2079
weeks in a newspaper of general circulation in the county where 2080

the last known address of the party is located. 2081

(i) Failure of delivery occurs only when a mailed order is 2082
returned by the postal authorities marked undeliverable, address 2083
or addressee unknown, or forwarding address unknown or expired. 2084

(ii) When service is completed by publication, a proof of 2085
publication affidavit, with the first publication of the summary 2086
set forth in the affidavit, shall be mailed by ordinary mail to 2087
the party at the party's last known address and the order shall be 2088
deemed received as of the date of the last publication. 2089

(e) Refusal of delivery of the order sent by mail or 2090
personally delivered to the party is not failure of delivery and 2091
service is deemed to be complete. 2092

(4) The emergency order shall be effective immediately upon 2093
service of the order on the party. The emergency order shall 2094
remain effective until further order of the executive director or 2095
the commission. 2096

(5) The commission may, and if so requested by the person 2097
affected by the emergency order shall, promptly conduct a hearing 2098
in an adjudication under Chapter 119. of the Revised Code. 2099

Sec. 3772.06. (A)(1) The commission shall appoint an 2100
executive director who shall serve at the pleasure of the 2101
commission. The executive director is in the unclassified service, 2102
shall devote full time to the duties of the office, and shall hold 2103
no other office or employment. The executive director shall, by 2104
experience and training, possess management skills that equip the 2105
executive director to administer an enterprise of the nature of 2106
the commission. The executive director shall not have a pecuniary 2107
interest in any business organization that holds a license under 2108
this chapter, or that does business with any person licensed under 2109
this chapter. A member of the general assembly, a person who holds 2110

an elective office, or an office holder of a political party is 2111
ineligible to be appointed executive director at the same time as 2112
being such a member or holding such an office. The executive 2113
director shall receive an annual salary in accordance with pay 2114
range 48 of section 124.152 of the Revised Code. 2115

(2) The executive director, before entering upon the 2116
discharge of the executive director's official duties, shall give, 2117
and thereafter shall maintain, bond in the amount of twenty-five 2118
thousand dollars, payable to the state, conditioned upon the 2119
executive director's faithful and proper performance of the 2120
executive director's official duties. The bond shall be issued by 2121
a surety authorized to do business in this state and shall be 2122
filed with the secretary of state. The bond may be an individual 2123
bond or a schedule or blanket bond. 2124

(B)(1) The executive director or a deputy designated in 2125
writing by the executive director shall attend all meetings of the 2126
commission and shall act as its secretary. The executive director 2127
shall keep a record of all commission proceedings and shall keep 2128
the commission's records, files, and documents at the commission's 2129
principal office. 2130

(2) The executive director shall be the chief executive 2131
officer and shall be responsible for keeping all commission 2132
records and supervising and administering casino gaming and 2133
skill-based amusement machines in accordance with this chapter and 2134
Chapter 2915. of the Revised Code, and enforcing all commission 2135
rules adopted under this chapter. 2136

(3) The executive director shall hire staff, including an 2137
assistant director or deputy directors, as necessary to assist the 2138
executive director in the executive director's duties under this 2139
chapter. In appointing employees, the executive director is 2140
subject to section 3772.061 of the Revised Code. The executive 2141

director may employ employees as necessary, unless the commission 2142
determines otherwise. Except as otherwise provided in this 2143
chapter, all costs of administration incurred by the executive 2144
director and the executive director's employees shall be paid out 2145
of the casino control commission fund. 2146

(C) A state agency or other unit of state government shall 2147
cooperate with the commission, and shall provide the commission 2148
with information and services the commission considers necessary 2149
to carry out the commission's duties and functions under this 2150
chapter. 2151

(D) The executive director shall confer at least once each 2152
month with the commission, at which time the executive director 2153
shall advise it regarding the operation and administration of the 2154
commission and casino gaming. The executive director shall make 2155
available at the request of the commission all documents, files, 2156
and other records pertaining to the operation and administration 2157
of the commission ~~and~~, casino gaming, and skill-based amusement 2158
machines. The executive director shall prepare and make available 2159
to the commission each month a complete and accurate accounting of 2160
gross casino gaming revenues, and all other relevant financial 2161
information, including an accounting of all transfers made from 2162
the casino control commission fund. 2163

Sec. 3772.07. The following appointing or licensing 2164
authorities shall obtain a criminal records check of the person 2165
who is to be appointed or licensed: 2166

(A) The governor, before appointing an individual as a member 2167
of the commission; 2168

(B) The commission, before appointing an individual as 2169
executive director or a gaming agent; 2170

(C) The commission, before issuing a license for a key 2171

employee or casino gaming employee, and before issuing a license 2172
for each investor, except an institutional investor, for a casino 2173
operator, management company, skill-based amusement machine 2174
operator, holding company, or gaming-related vendor; 2175

(D) The executive director, before appointing an individual 2176
as a professional, technical, or clerical employee of the 2177
commission. 2178

Thereafter, such an appointing or licensing authority shall 2179
obtain a criminal records check of the same individual at 2180
three-year intervals. 2181

The appointing or licensing authority shall make available to 2182
each person of whom a criminal records check is required a copy of 2183
the form and the standard fingerprint impression sheet prescribed 2184
under divisions (C)(1) and (2) of section 109.572 of the Revised 2185
Code. The person shall complete the form and impression sheet and 2186
return them as directed by the appointing or licensing authority. 2187
If a person fails to complete and return the form and impression 2188
sheet within a reasonable time, the person is ineligible to be 2189
appointed or licensed or to continue in the appointment or 2190
licensure. 2191

The appointing or licensing authority shall cause the 2192
completed form and impression sheet to be forwarded to the 2193
superintendent of the bureau of criminal identification and 2194
investigation. The appointing or licensing authority shall request 2195
the superintendent also to obtain information from the federal 2196
bureau of investigation, including fingerprint-based checks of the 2197
national crime information databases, and from other states and 2198
the federal government under the national crime prevention and 2199
privacy compact as part of the criminal records check. 2200

For all criminal records checks conducted under this section, 2201
the applicant for a casino operator, management company, 2202

skill-based amusement machine operator, holding company, 2203
gaming-related vendor, key employee, or casino gaming employee 2204
license shall pay the fee charged by the bureau of criminal 2205
identification and investigation or by a vendor approved by the 2206
bureau to conduct a criminal records check based on the 2207
applicant's fingerprints in accordance with division (A)(15) of 2208
section 109.572 of the Revised Code. If the applicant for a key 2209
employee or casino gaming employee license is applying at the 2210
request of a casino operator, management company, skill-based 2211
amusement machine operator, holding company, or gaming-related 2212
vendor, the casino operator, management company, skill-based 2213
amusement machine operator, holding company, or gaming-related 2214
vendor shall pay the fee charged for all criminal records checks 2215
conducted under this section. 2216

The appointing or licensing authority shall review the 2217
results of a criminal records check. An appointee for a commission 2218
member shall forward the results of the criminal records check to 2219
the president of the senate before the senate advises and consents 2220
to the appointment of the commission member. The appointing or 2221
licensing authority shall not appoint or license or retain the 2222
appointment or licensure of a person a criminal records check 2223
discloses has been convicted of or has pleaded guilty or no 2224
contest to a disqualifying offense. A "disqualifying offense" 2225
means any gambling offense, any theft offense, any offense having 2226
an element of fraud or misrepresentation, any offense having an 2227
element of moral turpitude, and any felony not otherwise included 2228
in the foregoing list, ~~except as otherwise provided in section~~ 2229
~~3772.10 of the Revised Code.~~ 2230

The report of a criminal records check is not a public record 2231
that is open to public inspection and copying. The commission 2232
shall not make the report available to any person other than the 2233
person who was the subject of the criminal records check; an 2234

appointing or licensing authority; a member, the executive 2235
director, or an employee of the commission; or any court or 2236
agency, including a hearing examiner, in a judicial or 2237
administrative proceeding relating to the person's employment or 2238
application for a license under this chapter. 2239

Sec. 3772.10. (A) In determining whether to grant or maintain 2240
the privilege of a ~~casino operator, management company, holding~~ 2241
~~company, key employee, casino gaming employee, or gaming related~~ 2242
~~vendor license issued under this chapter,~~ the Ohio ~~casino control~~ 2243
commission shall consider all of the following, as applicable: 2244

(1) The reputation, experience, and financial integrity of 2245
the applicant, its holding company, if applicable, and any other 2246
person that directly or indirectly controls the applicant; 2247

(2) The financial ability of the applicant to purchase and 2248
maintain adequate liability and casualty insurance and to provide 2249
an adequate surety bond; 2250

(3) The past and present compliance of the applicant and its 2251
affiliates or affiliated companies with casino-related licensing 2252
requirements in this state or any other jurisdiction, including 2253
whether the applicant has a history of noncompliance with the 2254
casino licensing requirements of any jurisdiction; 2255

(4) If the applicant has been indicted, convicted, pleaded 2256
guilty or no contest, or forfeited bail concerning any criminal 2257
offense under the laws of any jurisdiction, either felony or 2258
misdemeanor, not including traffic violations; 2259

(5) If the applicant has filed, or had filed against it a 2260
proceeding for bankruptcy or has ever been involved in any formal 2261
process to adjust, defer, suspend, or otherwise work out the 2262
payment of any debt; 2263

(6) If the applicant has been served with a complaint or 2264

other notice filed with any public body regarding a payment of any tax required under federal, state, or local law that has been delinquent for one or more years;	2265 2266 2267
(7) If the applicant is or has been a defendant in litigation involving its business practices;	2268 2269
(8) If awarding a license would undermine the public's confidence in the casino gaming industry in this state;	2270 2271
(9) If the applicant meets other standards for the issuance of a license that the commission adopts by rule, which shall not be arbitrary, capricious, or contradictory to the expressed provisions of this chapter.	2272 2273 2274 2275
(B) All applicants for a license under this chapter shall establish their suitability for a license by clear and convincing evidence. If the commission determines that a person is eligible under this chapter to be issued a license as a casino operator, management company, holding company, key employee, casino gaming employee, or gaming related vendor , the commission shall issue such license for not more than three years, as determined by commission rule, if all other requirements of this chapter have been satisfied.	2276 2277 2278 2279 2280 2281 2282 2283 2284
(C) The commission shall not issue a casino operator, management company, holding company, key employee, casino gaming employee, or gaming related vendor license under this chapter to an applicant if:	2285 2286 2287 2288
(1) The applicant has been convicted of a disqualifying offense, as defined in section 3772.07 of the Revised Code.	2289 2290
(2) The applicant has submitted an application for license under this chapter that contains false information.	2291 2292
(3) The applicant is a commission member.	2293
(4) The applicant owns an ownership interest that is unlawful	2294

under this chapter, unless waived by the commission.	2295
(5) The applicant violates specific rules adopted by the commission related to denial of licensure.	2296 2297
(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.	2298 2299 2300 2301 2302 2303 2304
(7) The commission otherwise determines the applicant is ineligible for the license.	2305 2306
(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, or holding company licensee 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, or holding company licensee by, an unqualified, disqualified, or unsuitable person or a person whose operations are conducted in an unsuitable manner or in unsuitable or prohibited places or locations.	2307 2308 2309 2310 2311 2312 2313 2314 2315 2316 2317 2318 2319
(2) The executive director may recommend to the commission that it deny any application, or limit, condition, or restrict, or suspend or revoke, any license or finding, or impose any fine upon any licensee or other person according to this chapter and the rules adopted thereunder.	2320 2321 2322 2323 2324
(3) A license issued under this chapter is a revocable	2325

privilege. No licensee has a vested right in or under any license 2326
issued under this chapter. The initial determination of the 2327
commission to deny, or to limit, condition, or restrict, a license 2328
may be appealed under section 2505.03 of the Revised Code. 2329

(E)(1) An institutional investor may be found to be suitable 2330
or qualified by the commission under this chapter and the rules 2331
adopted under this chapter. An institutional investor shall be 2332
presumed suitable or qualified upon submitting documentation 2333
sufficient to establish qualifications as an institutional 2334
investor and upon certifying all of the following: 2335

(a) The institutional investor owns, holds, or controls 2336
securities issued by a licensee or holding, intermediate, or 2337
parent company of a licensee or in the ordinary course of business 2338
for investment purposes only. 2339

(b) The institutional investor does not exercise influence 2340
over the affairs of the issuer of such securities nor over any 2341
licensed subsidiary of the issuer of such securities. 2342

(c) The institutional investor does not intend to exercise 2343
influence over the affairs of the issuer of such securities, nor 2344
over any licensed subsidiary of the issuer of such securities, in 2345
the future, and that it agrees to notify the commission in writing 2346
within thirty days if such intent changes. 2347

(2) The exercise of voting privileges with regard to 2348
securities shall not be deemed to constitute the exercise of 2349
influence over the affairs of a licensee. 2350

(3) The commission shall rescind the presumption of 2351
suitability for an institutional investor at any time if the 2352
institutional investor exercises or intends to exercise influence 2353
or control over the affairs of the licensee. 2354

(4) This division shall not be construed to preclude the 2355
commission from requesting information from or investigating the 2356

suitability or qualifications of an institutional investor if: 2357

(a) The commission becomes aware of facts or information that 2358
may result in the institutional investor being found unsuitable or 2359
disqualified; or 2360

(b) The commission has any other reason to seek information 2361
from the investor to determine whether it qualifies as an 2362
institutional investor. 2363

(5) If the commission finds an institutional investor to be 2364
unsuitable or unqualified, the commission shall so notify the 2365
investor and the casino operator, holding company, management 2366
company, skill-based amusement machine operator, or gaming-related 2367
vendor licensee in which the investor invested. The commission 2368
shall allow the investor and the licensee a reasonable amount of 2369
time, as specified by the commission on a case-by-case basis, to 2370
cure the conditions that caused the commission to find the 2371
investor unsuitable or unqualified. If during the specified period 2372
of time the investor or the licensee does not or cannot cure the 2373
conditions that caused the commission to find the investor 2374
unsuitable or unqualified, the commission may allow the investor 2375
or licensee more time to cure the conditions or the commission may 2376
begin proceedings to deny, suspend, or revoke the license of the 2377
casino operator, holding company, management company, skill-based 2378
amusement machine operator, or gaming-related vendor in which the 2379
investor invested or to deny any of the same the renewal of any 2380
such license. 2381

(6) A private licensee or holding company shall provide the 2382
same information to the commission as a public company would 2383
provide in a form 13d or form 13g filing to the securities and 2384
exchange commission. 2385

(F) Information provided on the application shall be used as 2386
a basis for a thorough background investigation of each applicant. 2387

A false or incomplete application is cause for denial of a license 2388
by the commission. All applicants and licensees shall consent to 2389
inspections, searches, and seizures and to the disclosure to the 2390
commission and its agents of confidential records, including tax 2391
records, held by any federal, state, or local agency, credit 2392
bureau, or financial institution and to provide handwriting 2393
exemplars, photographs, fingerprints, and information as 2394
authorized in this chapter and in rules adopted by the commission. 2395

(G) The commission shall provide a written statement to each 2396
applicant for a license under this chapter who is denied the 2397
license that describes the reason or reasons for which the 2398
applicant was denied the license. 2399

(H) Not later than January 31 in each calendar year, the 2400
commission shall provide to the general assembly and the governor 2401
a report that, for each type of license issued under this chapter, 2402
specifies the number of applications made in the preceding 2403
calendar year for each type of such license, the number of 2404
applications denied in the preceding calendar year for each type 2405
of such license, and the reasons for those denials. The 2406
information regarding the reasons for the denials shall specify 2407
each reason that resulted in, or that was a factor resulting in, 2408
denial for each type of license issued under this chapter and, for 2409
each of those reasons, the total number of denials for each such 2410
type that involved that reason. 2411

Sec. 3772.12. (A) A person may apply for a gaming-related 2412
vendor license. All applications shall be made under oath. 2413

(B) A person who holds a gaming-related vendor's license is 2414
authorized to sell ~~or~~, lease, or otherwise provide, and to 2415
contract to sell ~~or~~, lease, or otherwise provide, equipment, 2416
goods, and ~~supplies~~ services to any licensee involved in the 2417
ownership or management of a casino facility or skill-based 2418

amusement machine operator facility. 2419

(C) ~~Gambling supplies and Casino gaming and skill-based~~ 2420
amusement machine equipment and goods shall not be distributed in 2421
this state unless ~~supplies and the~~ equipment and goods conform to 2422
standards adopted in rules adopted by the commission. 2423

Sec. 3772.121. (A) The commission may issue a gaming-related 2424
vendor's license under this chapter to an applicant who has: 2425

(1) Applied for the gaming-related vendor's license; 2426

(2) Paid a nonrefundable license fee as described in section 2427
3772.17 of the Revised Code, which shall cover all actual costs 2428
generated by each licensee and all background checks; 2429

(3) Submitted two sets of the applicant's fingerprints; and 2430

(4) Been determined by the commission as eligible for a 2431
gaming-related vendor's license. 2432

(B) A gaming-related vendor shall furnish to the commission a 2433
list of all equipment, ~~devices~~ goods, and ~~supplies~~ services 2434
offered for sale ~~or~~, lease, or otherwise provided in connection 2435
with casino games authorized under this chapter or skill-based 2436
amusement machines authorized under this chapter and Chapter 2915. 2437
of the Revised Code. 2438

~~(C) A gaming related vendor's equipment, devices, or supplies~~ 2439
~~that are used by a person in an unauthorized casino gaming~~ 2440
~~operation shall be forfeited to the state.~~ 2441

Sec. 3772.14. (A) A person may apply for a skill-based 2442
amusement machine operator license. All applications shall be made 2443
under oath and be on a form prescribed by and contain all of the 2444
information required by the commission. 2445

(B) The commission may issue a skill-based amusement machine 2446
operator license under this chapter to an applicant who has done 2447

<u>all of the following:</u>	2448
<u>(1) Applied for the skill-based amusement machine operator license;</u>	2449
<u>(2) Paid a nonrefundable license fee as described in section 3772.17 of the Revised Code;</u>	2451
<u>(3) Submitted two sets of the applicant's fingerprints; and</u>	2452
<u>(4) Been determined by the commission to be eligible for a skill-based amusement machine operator license.</u>	2453
<u>(C) A person who holds a skill-based amusement machine operator license may offer skill-based amusement machines at a location approved by the commission and as authorized by this chapter and the rules adopted thereunder and by Chapter 2915. of the Revised Code and as approved by the commission.</u>	2454
<u>(D) A skill-based amusement machine operator shall only purchase, lease, or otherwise acquire or obtain skill-based amusement machine equipment, goods, and services from a gaming-related vendor licensed under this chapter.</u>	2455
<u>(E) Upon written request from and good cause shown, as determined by the commission, by a person that is required to apply for and obtain a skill-based amusement machine operator license under this chapter, the commission may grant a waiver or variance from one or more of the skill-based amusement machine operator licensure requirements.</u>	2456
<u>(1) A waiver or variance request submitted under this division shall contain all of the following:</u>	2457
<u>(a) The requestor's name, mailing address, telephone number, facsimile number, and electronic mail address, as available;</u>	2458
<u>(b) A contact person and that person's mailing address, telephone number, facsimile number, and electronic mail address, as available;</u>	2459
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(c) A detailed description of the specific requirement or requirements that the requestor is seeking to have waived or to vary from and the reason or reasons justifying the request; 2478
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(d) The requestor's signature or the signature of a duly authorized agent, employee, or representative of the requestor; 2481
and 2482
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(e) Any other information required by the commission. 2484

(2) The commission may consider any properly submitted waiver or variance request at a meeting held under section 3772.02 of the Revised Code or designate such responsibility to the commission chairperson or the executive director. If such a designation occurs, the commission chairperson or the executive director shall provide a written response to the requestor indicating whether the waiver or variance has been granted or denied. 2485
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(3) The commission, or the commission chairperson or executive director, if designated, shall retain sole authority to grant or deny a waiver or variance request submitted under this division. The request may be denied for any reason except that no denial under this division shall be done in an arbitrary or capricious manner. 2492
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(4) Denial of any waiver or variance request submitted under this division shall not require notice and an opportunity for hearing nor shall it be considered an adjudication or final appealable order for purposes of Chapter 119. or section 2505.03 of the Revised Code. 2498
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Sec. 3772.15. (A) Unless a license issued under this chapter is suspended, expires, or is revoked, the license shall be renewed for three years, as determined by commission rule, after a determination by the commission that the licensee is in compliance with this chapter and rules authorized by this chapter and after 2503
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the licensee pays a fee. The commission may assess the license 2508
renewal applicant a reasonable fee in ~~the~~ an amount set by rule 2509
that is necessary to cover the commission's costs associated with 2510
the review of the license renewal application. 2511

(B) A licensee shall undergo a complete investigation at 2512
least every three years, as determined by commission rule, to 2513
determine that the licensee remains in compliance with this 2514
chapter or Chapter 2915. of the Revised Code. 2515

(C) Notwithstanding division (B) of this section, the 2516
commission may investigate a licensee at any time the commission 2517
determines it is necessary to ensure that the licensee remains in 2518
compliance with this section. 2519

(D) The holder of a license shall bear the cost of an 2520
investigation, except key employees that are employed by a casino 2521
operator, management company, skill-based amusement machine 2522
operator, holding company, or gaming-related vendor and casino 2523
gaming employees who are employed by a casino operator or 2524
management company, in which case the ~~casino operator~~ employer 2525
shall pay the investigation cost. 2526

Sec. 3772.17. (A) The upfront license fee to obtain a license 2527
as a casino operator shall be fifty million dollars per casino 2528
facility and shall be paid upon each casino operator's filing of 2529
its casino operator license application with the commission. The 2530
upfront license fee, once paid to the commission, shall be 2531
deposited into the economic development programs fund, which is 2532
created in the state treasury. 2533

(B) ~~New License and renewal license fees for a new casino~~ 2534
~~operator, management company, and holding company license and~~ 2535
~~renewal license fees of or affiliated with a casino facility~~ shall 2536
be set by rule, subject to the review of the joint committee on 2537

gaming and wagering. If an applicant for a license as a management 2538
company or holding company is related through a joint venture or 2539
controlled by or under common control with another applicant for a 2540
license as a casino operator, management company, or holding 2541
company for the same casino facility and the applicant for a 2542
license as a management company or holding company was reviewed 2543
for suitability as part of the investigation of the casino 2544
operator, only one license fee shall be assessed against both 2545
applicants for that casino facility. 2546

(C) The fee to obtain an application for a casino operator, 2547
management company, or holding company license shall be one 2548
million five hundred thousand dollars per application. The 2549
application fee for a casino operator, management company, or 2550
holding company license may be increased to the extent that the 2551
actual review and investigation costs relating to an applicant 2552
exceed the application fee set forth in this division. If an 2553
applicant for a license as a management company or holding company 2554
is related through a joint venture or controlled by or under 2555
common control with another applicant for a license as a casino 2556
operator, management company, or holding company for the same 2557
casino facility, with the exception of actual costs of the review 2558
and investigation of the additional applicant, only one 2559
application fee shall be required of such applicants for that 2560
casino facility. The application fee shall be deposited into the 2561
casino control commission fund. The application fee is 2562
nonrefundable. 2563

(D) The license fees for a skill-based amusement machine 2564
operator shall be set by rule, subject to review by the joint 2565
committee on gaming and wagering. Additionally, the commission may 2566
assess an applicant a reasonable fee in the amount necessary to 2567
process a skill-based amusement machine operator application. 2568

(E) The license fees for a gaming-related vendor shall be set 2569

by rule, subject to the review of the joint committee on gaming 2570
and wagering. Additionally, the commission may assess an applicant 2571
a reasonable fee in the amount necessary to process a 2572
gaming-related vendor license application. 2573

~~(E)~~(F) The license fees for a key employee shall be set by 2574
rule, subject to the review of the joint committee on gaming and 2575
wagering. Additionally, the commission may assess an applicant a 2576
reasonable fee in the amount necessary to process a key employee 2577
license application. If the license is being sought at the request 2578
of a casino operator, such fees shall be paid by the casino 2579
operator. 2580

~~(F)~~(G) The license fees for a casino gaming employee shall be 2581
set by rule, subject to the review of the joint committee on 2582
gaming and wagering. If the license is being sought at the request 2583
of a casino operator, the fee shall be paid by the casino 2584
operator. 2585

Sec. 3772.21. (A) Casino gaming or skill-based amusement 2586
machine equipment, goods, and supplies customarily used in 2587
conducting casino gaming services shall only be purchased ~~or,~~ 2588
leased only, or otherwise acquired or obtained from gaming-related 2589
vendors licensed under this chapter. A management company owning 2590
casino gaming devices, supplies, and equipment shall be licensed 2591
as a gaming-related vendor under this chapter. 2592

(B) A licensed gaming-related vendor shall provide only 2593
casino gaming and skill-based amusement machine equipment, goods, 2594
and services that have been approved by the commission. 2595

(C) Annually, a gaming-related vendor shall furnish to the 2596
commission a list of all equipment, devices, and supplies offered 2597
for sale ~~or,~~ lease, or are otherwise offered in connection with 2598
casino gaming authorized under this chapter and skill-based 2599
amusement machines authorized under this chapter and Chapter 2915. 2600

of the Revised Code. 2601

~~(C)~~(D) A gaming-related vendor shall keep books and records 2602
for the furnishing of equipment, devices, and supplies to casino 2603
gaming and skill-based amusement machine operations separate from 2604
books and records of any other business operated by the 2605
gaming-related vendor. A gaming-related vendor shall file a 2606
quarterly return with the commission listing all sales and leases. 2607
A gaming-related vendor shall permanently affix the gaming-related 2608
vendor's name to all of the gaming-related vendor's equipment, 2609
~~devices,~~ and ~~supplies for casino gaming operations~~ goods. 2610

~~(D)~~(E) A gaming-related vendor's equipment, ~~devices,~~ or 2611
~~supplies~~ goods that are used by a person in an unauthorized casino 2612
gaming or skill-based amusement machine operation shall be 2613
forfeited to the commission. 2614

Sec. 3772.23. (A) All tokens, chips, or electronic cards that 2615
are used to make wagers shall be purchased from the casino 2616
operator or management company while at a casino facility that has 2617
been approved by the commission. Chips, tokens, tickets, 2618
electronic cards, or similar objects may be used while at the 2619
casino facility only for the purpose of making wagers on casino 2620
games. 2621

(B) Casino operators and management companies may provide 2622
promotional gaming credits to their patrons. Promotional gaming 2623
credits shall be subject to oversight by the commission. 2624

(C) Casino operators ~~and,~~ management companies, and 2625
skill-based amusement machine operators shall not do any of the 2626
following: 2627

(1) Obtain a license to operate a check-cashing business 2628
under sections 1315.01 to 1315.30 of the Revised Code; 2629

(2) Obtain a license to provide loans under sections 1321.01 2630

to 1321.19 of the Revised Code;	2631
(3) Obtain a license to provide loans under sections 1321.35	2632
to 1321.48 of the Revised Code.	2633
Sec. 3772.25. The following are not subject to, or limited	2634
by, the requirements of this chapter or Section 6(C) of Article	2635
XV, Ohio Constitution:	2636
(A) Charitable gaming authorized by Chapter 2915. of the	2637
Revised Code;	2638
(B) Charitable bingo authorized by Section 6 of Article XV,	2639
Ohio Constitution, and as authorized by Chapter 2915. of the	2640
Revised Code;	2641
(C) Lottery games as authorized by Section 6 of Article XV,	2642
Ohio Constitution; and	2643
(D) Pari-mutuel wagering authorized by Chapter 3769. of the	2644
Revised Code; <u>and</u>	2645
<u>(E) Concessions under section 1711.11 of the Revised Code.</u>	2646
Sec. 3772.31. (A) The commission, by and through the	2647
executive director of the commission and as required under section	2648
125.05 of the Revised Code, may enter into contracts necessary to	2649
ensure the proper operation and reporting of all casino gaming	2650
authorized under this chapter <u>and all skill-based amusement</u>	2651
<u>machines authorized under this chapter and Chapter 2915. of the</u>	2652
<u>Revised Code.</u> The commission shall not require use of a central	2653
system by a casino operator, <u>management company, or skill-based</u>	2654
<u>amusement machine operator</u> if the casino operator, <u>management</u>	2655
<u>company, or skill-based amusement machine operator</u> is in	2656
compliance with this chapter <u>or Chapter 2915. of the Revised Code,</u>	2657
<u>as applicable.</u> If the commission determines, after written notice	2658
to the casino operator, <u>management company, or skill-based</u>	2659

amusement machine operator and a hearing under section 3772.04 of 2660
the Revised Code, that a casino operator, management company, or 2661
skill-based amusement machine operator is not in compliance with 2662
this chapter or Chapter 2915. of the Revised Code, as applicable, 2663
the commission may determine it is necessary to require the casino 2664
operator, management company, or skill-based amusement machine 2665
operator to install and implement a central system under such 2666
conditions as the commission may require. Before any such hearing, 2667
the commission shall provide the ~~casino operator~~ party with 2668
written notice that the ~~casino operator~~ party is not in compliance 2669
with a specific requirement of this chapter or Chapter 2915. of 2670
the Revised Code, as applicable, describe the requirement, and 2671
provide the ~~casino operator~~ party at least thirty days to cure the 2672
noncompliance or, if the cure cannot be reasonably rectified 2673
within thirty days, require the ~~casino operator~~ party to 2674
demonstrate to the commission's satisfaction that the ~~casino~~ 2675
~~operator~~ party is diligently pursuing the required cure. The 2676
system shall be operated by or under the commission's control. If 2677
the commission determines that a central system is necessary and 2678
adopts rules authorizing a central system, casino operators or 2679
management companies shall be responsible for the costs of the 2680
central system as it relates to casino facilities and skill-based 2681
amusement machine operators shall be responsible for the costs of 2682
the central system as it relates to skill-based amusement 2683
machines. 2684

(B) The commission shall certify independent testing 2685
laboratories to scientifically test and technically evaluate all 2686
slot machines, mechanical, electromechanical, or electronic table 2687
games, slot accounting systems, and other electronic gaming 2688
equipment for compliance with this chapter and all skill-based 2689
amusement machines and related equipment and goods for compliance 2690
with this chapter and Chapter 2915. of the Revised Code. The 2691

certified independent testing laboratories shall be accredited by 2692
a national accreditation body. The commission shall certify an 2693
independent testing laboratory if it is competent and qualified to 2694
scientifically test and evaluate electronic gaming equipment for 2695
compliance with this chapter and Chapter 2915. of the Revised 2696
Code, as applicable, and to otherwise perform the functions 2697
assigned to an independent testing laboratory under this chapter. 2698
An independent testing laboratory shall not be owned or controlled 2699
by, or have any interest in, a gaming-related vendor ~~of electronic~~ 2700
~~gaming equipment~~. The commission shall prepare a list of certified 2701
independent testing laboratories from which independent testing 2702
laboratories shall be chosen for all purposes under this chapter. 2703

Sec. 3772.99. (A) The commission shall levy and collect 2704
penalties for noncriminal violations of this chapter. Noncriminal 2705
violations include using the term "casino" in any advertisement in 2706
regard to a facility operating video lottery terminals, as defined 2707
in section 3770.21 of the Revised Code, in this state. Moneys 2708
collected from such penalty levies shall be credited to the 2709
general revenue fund. 2710

(B) If a ~~licensed casino operator, management company,~~ 2711
~~holding company, gaming-related vendor, or key employee licensee~~ 2712
violates this chapter or engages in a fraudulent act, the 2713
commission may suspend or revoke the license and may do either or 2714
both of the following: 2715

(1) Suspend, revoke, or restrict the casino gaming operations 2716
of a casino operator or management company or the skill-based 2717
amusement machine operations of a skill-based amusement machine 2718
operator; 2719

(2) Require the removal of a management company, key 2720
employee, or discontinuance of services from a gaming-related 2721
vendor. 2722

(C) The commission shall impose civil penalties against a 2723
person who violates this chapter under the penalties adopted by 2724
commission rule and reviewed by the joint committee on gaming and 2725
wagering. 2726

(D) A person who purposely or knowingly ~~or intentionally~~ does 2727
any of the following commits a misdemeanor of the first degree on 2728
the first offense and a felony of the fifth degree for a 2729
subsequent offense: 2730

(1) Makes a false statement on an application submitted under 2731
this chapter; 2732

(2) Permits a person less than twenty-one years of age to 2733
make a wager at a casino facility; 2734

(3) Aids, induces, or causes a person less than twenty-one 2735
years of age who is not an employee of the casino gaming operation 2736
to enter or attempt to enter a casino facility; 2737

(4) Enters or attempts to enter a casino facility while under 2738
twenty-one years of age, unless the person enters a designated 2739
area as described in section 3772.24 of the Revised Code; 2740

(5) Is a casino operator or employee and participates in 2741
casino gaming other than as part of operation or employment. 2742

(E) A person who purposely or knowingly ~~or intentionally~~ does 2743
any of the following commits a felony of the fifth degree on a 2744
first offense and a felony of the fourth degree for a subsequent 2745
offense. If the person is a licensee under this chapter, the 2746
commission shall revoke the person's license after the first 2747
offense. 2748

(1) Uses or possesses with the intent to use a device to 2749
assist in projecting the outcome of the casino game, keeping track 2750
of the cards played, analyzing the probability of the occurrence 2751
of an event relating to the casino game, or analyzing the strategy 2752

for playing or betting to be used in the casino game, except as	2753
permitted by the commission;	2754
(2) Cheats at a casino game;	2755
(3) Manufactures, sells, or distributes any cards, chips,	2756
dice, game, or device that is intended to be used to violate this	2757
chapter;	2758
(4) Alters or misrepresents the outcome of a casino game on	2759
which wagers have been made after the outcome is made sure but	2760
before the outcome is revealed to the players;	2761
(5) Places, increases, or decreases a wager on the outcome of	2762
a casino game after acquiring knowledge that is not available to	2763
all players and concerns the outcome of the casino game that is	2764
the subject of the wager;	2765
(6) Aids a person in acquiring the knowledge described in	2766
division (E)(5) of this section for the purpose of placing,	2767
increasing, or decreasing a wager contingent on the outcome of a	2768
casino game;	2769
(7) Claims, collects, takes, or attempts to claim, collect,	2770
or take money or anything of value in or from a casino game with	2771
the intent to defraud or without having made a wager contingent on	2772
winning a casino game;	2773
(8) Claims, collects, or takes an amount of money or thing of	2774
value of greater value than the amount won in a casino game;	2775
(9) Uses or possesses counterfeit chips, tokens, or cashless	2776
wagering instruments in or for use in a casino game;	2777
(10) Possesses a key or device designed for opening,	2778
entering, or affecting the operation of a casino game, <u>skill-based</u>	2779
<u>amusement machine</u> , drop box, or an electronic or a mechanical	2780
device connected with the casino game <u>or skill-based amusement</u>	2781
<u>machine</u> or removing coins, tokens, chips, or other contents of a	2782

casino game or skill-based amusement machine. This division does 2783
not apply to a casino operator, management company, skill-based 2784
amusement machine operator, or gaming-related vendor or their 2785
agents and employees in the course of agency or employment. 2786

(11) Possesses materials used to manufacture a device 2787
intended to be used in a manner that violates this chapter or 2788
Chapter 2915. of the Revised Code; 2789

(12) Operates a casino gaming operation in which wagering is 2790
conducted or is to be conducted in a manner other than the manner 2791
required under this chapter or a skill-based amusement machine 2792
operation in a manner other than the manner required under this 2793
chapter or Chapter 2915. of the Revised Code. 2794

(F) The possession of more than one of the devices described 2795
in division (E)(9), (10), or (11) of this section creates a 2796
rebuttable presumption that the possessor intended to use the 2797
devices for cheating. 2798

(G) A person who purposely or knowingly ~~or intentionally~~ does 2799
any of the following commits a felony of the third degree. If the 2800
person is a licensee under this chapter, the commission shall 2801
revoke the person's license after the first offense. A public 2802
servant or party official who is convicted under this division is 2803
forever disqualified from holding any public office, employment, 2804
or position of trust in this state. 2805

(1) Offers, promises, or gives anything of value or benefit 2806
to a person who is connected with the casino operator, management 2807
company, skill-based amusement machine operator, holding company, 2808
or gaming-related vendor, including their officers and employees, 2809
under an agreement to influence or with the intent to influence 2810
the actions of the person to whom the offer, promise, or gift was 2811
made in order to affect or attempt to affect the outcome of a 2812
casino game or skill-based amusement machine or an official action 2813

of a commission member, agent, or employee; 2814

(2) Solicits, accepts, or receives a promise of anything of 2815
value or benefit while the person is connected with a casino 2816
facility or skill-based amusement machine, including an officer or 2817
employee of a casino operator, management company, skill-based 2818
amusement machine operator, or gaming-related vendor, under an 2819
agreement to influence or with the intent to influence the actions 2820
of the person to affect or attempt to affect the outcome of a 2821
casino game or skill-based amusement machine or an official action 2822
of a commission member, agent, or employee; 2823

(H) A person who is convicted of a felony described in this 2824
chapter or Chapter 2915. of the Revised Code may be barred for 2825
life from entering a casino facility by the commission. 2826

Section 2. That existing sections 119.12, 2915.01, 2915.03, 2827
2915.06, 2915.061, 3770.01, 3770.02, 3770.05, 3772.01, 3772.02, 2828
3772.03, 3772.032, 3772.033, 3772.04, 3772.06, 3772.07, 3772.10, 2829
3772.12, 3772.121, 3772.15, 3772.17, 3772.21, 3772.23, 3772.25, 2830
3772.31, and 3772.99 of the Revised Code are hereby repealed. 2831

Section 3. Section 3772.10 of the Revised Code is presented 2832
in this act as a composite of the section as amended by both Am. 2833
Sub. H.B. 386 and Am. Sub. S.B. 337 of the 129th General Assembly. 2834
The General Assembly, applying the principle stated in division 2835
(B) of section 1.52 of the Revised Code that amendments are to be 2836
harmonized if reasonably capable of simultaneous operation, finds 2837
that the composite is the resulting version of the section in 2838
effect prior to the effective date of the section as presented in 2839
this act. 2840