To amend sections 109.572, 718.031, 3770.01, 3770.02, 3770.99, 3772.03, 5703.21, 5747.02, 5747.063, 5747.064, 5747.08, 5747.20, 5751.01, 5753.01, 5753.03, 5753.04, 5753.05, 5753.06, 5753.061, 5753.07, 5753.08, and 5753.10 and to enact sections 3770.30, 3770.31, 3770.32, 3770.33, 3770.331, 3770.34, 3770.35, 3770.36, 3770.37, 3770.38, 3770.39, 3770.40, 5753.021, 5753.031 of the Revised Code to legalize and regulate sports gaming in this state, to levy a tax on businesses that provide sports gaming, and to create a Sports Gaming Advisory Board.

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

Section 1. That sections 109.572, 718.031, 3770.01, 3770.02, 3770.99, 3772.03, 5703.21, 5747.02, 5747.063, 5747.064, 5747.08, 5747.20, 5751.01, 5753.01, 5753.03, 5753.04, 5753.05, 5753.06, 5753.061, 5753.07, 5753.08, and 5753.10 be amended and sections 3770.30, 3770.31, 3770.32, 3770.33, 3770.331, 3770.34, 3770.35, 3770.36, 3770.37, 3770.38, 3770.39, 3770.40, 5753.021, 5753.031 added to the Revised Code.
and 5753.031 of the Revised Code be enacted to read as follows:

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

(b) A violation of an existing or former law of this state, any other state, or the United States that is...
substantially equivalent to any of the offenses listed in division (A)(1)(a) of this section;

(c) If the request is made pursuant to section 3319.39 of the Revised Code for an applicant who is a teacher, any offense specified in section 3319.31 of the Revised Code.

(2) On receipt of a request pursuant to section 3712.09 or 3721.121 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for employment in a position for which a criminal records check is required by those sections. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code;

(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to
any of the offenses listed in division (A)(2)(a) of this
section.

(3) On receipt of a request pursuant to section 173.27,
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342,
5123.081, or 5123.169 of the Revised Code, a completed form
prescribed pursuant to division (C)(1) of this section, and a
set of fingerprint impressions obtained in the manner described
in division (C)(2) of this section, the superintendent of the
bureau of criminal identification and investigation shall
conduct a criminal records check of the person for whom the
request is made. The superintendent shall conduct the criminal
records check in the manner described in division (B) of this
section to determine whether any information exists that
indicates that the person who is the subject of the request
previously has been convicted of, has pleaded guilty to, or
(except in the case of a request pursuant to section 5164.34,
5164.341, or 5164.342 of the Revised Code) has been found
eligible for intervention in lieu of conviction for any of the
following, regardless of the date of the conviction, the date of
entry of the guilty plea, or (except in the case of a request
pursuant to section 5164.34, 5164.341, or 5164.342 of the
Revised Code) the date the person was found eligible for
intervention in lieu of conviction:

(a) A violation of section 959.13, 959.131, 2903.01,
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13,
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341,
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33,
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08,
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31,
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02,
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02,
2911.11, 2911.12, 2911.13, 2911.02, 2911.03, 2911.04, 2911.05, 2911.11, 2911.21, 2911.31, 2911.32, 2911.40, 2911.41, 2911.42, 2911.43, 2911.44, 2911.441, 2911.45, 2911.46, 2911.47, 2911.48, 2911.49, 2911.51, 2911.01, 2911.02, 2911.03, 2911.31, 2911.12, 2911.121, 2911.123, 2911.22, 2911.23, 2911.24, 2911.25, 2911.26, 2911.27, 2911.11, 2911.12, 2911.13, 2911.21, 2911.24, 2911.32, 2911.321, 2911.34, 2911.35, 2911.36, 2911.51, 2911.12, 2911.122, 2911.123, 2911.13, 2911.161, 2911.162, 2911.21, 2911.32, 2911.42, 2911.02, 2911.03, 2911.041, 2911.05, 2911.06, 2911.09, 2911.11, 2911.13, 2911.14, 2911.141, 2911.22, 2911.23, 2911.24, 2911.26, 2911.55, 2911.56, 2911.12, or 3716.11 of the Revised Code;

(b) Felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

c) A violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996;

d) A violation of section 2923.01, 2923.02, or 2923.03 of the Revised Code when the underlying offense that is the object of the conspiracy, attempt, or complicity is one of the offenses listed in divisions (A)(3)(a) to (c) of this section;

e) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in divisions (A)(3)(a) to (d) of this section.

(4) On receipt of a request pursuant to section 2151.86 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal
records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

  (a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, two or more OVI or OUVAC violations committed within the three years immediately preceding the submission of the application or petition that is the basis of the request, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

  (b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(4)(a) of this section.
(5) Upon receipt of a request pursuant to section 5104.013 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2151.421, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of
section 2925.11 of the Revised Code that is not a minor drug possession offense, a violation of section 2923.02 or 2923.03 of the Revised Code that relates to a crime specified in this division, or a second violation of section 4511.19 of the Revised Code within five years of the date of application for licensure or certification.

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in division (A)(5)(a) of this section.

(6) Upon receipt of a request pursuant to section 5153.111 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former
section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(6)(a) of this section.

(7) On receipt of a request for a criminal records check from an individual pursuant to section 4749.03 or 4749.06 of the Revised Code, accompanied by a completed copy of the form prescribed in division (C)(1) of this section and a set of fingerprint impressions obtained in a manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty to a felony in this state or in any other state. If the individual indicates that a firearm will be carried in the course of business, the superintendent shall require information from the federal bureau of investigation as described in division (B)(2) of this section. Subject to division (F) of this section, the superintendent shall report the findings of the criminal records check and any information the federal bureau of investigation provides to the director of public safety.
(8) On receipt of a request pursuant to section 1321.37, 1321.53, or 4763.05 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for a license, permit, or certification from the department of commerce or a division in the department. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following: a violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the Revised Code; any other criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, or drug trafficking, or any criminal offense involving money or securities, as set forth in Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of the Revised Code; or any existing or former law of this state, any other state, or the United States that is substantially equivalent to those offenses.

(9) On receipt of a request for a criminal records check from the treasurer of state under section 113.041 of the Revised Code or from an individual under section 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4747.051, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031,
4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised Code, accompanied by a completed form prescribed under division (C)(1) of this section and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any criminal offense in this state or any other state. Subject to division (F) of this section, the superintendent shall send the results of a check requested under section 113.041 of the Revised Code to the treasurer of state and shall send the results of a check requested under any of the other listed sections to the licensing board specified by the individual in the request.

(10) On receipt of a request pursuant to section 124.74, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any criminal offense under any existing or former law of this state, any other state, or the United States.

(11) On receipt of a request for a criminal records check
from an appointing or licensing authority under section 3772.07 of the Revised Code, a completed form prescribed under division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner prescribed in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty or no contest to any offense under any existing or former law of this state, any other state, or the United States that is a disqualifying offense as defined in section 3772.07 of the Revised Code or substantially equivalent to such an offense.

(12) On receipt of a request pursuant to section 2151.33 or 2151.412 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person for whom a criminal records check is required under that section. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31,
(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(12)(a) of this section.

(13) On receipt of a request pursuant to section 3796.12 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in a manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to the following:

(a) A disqualifying offense as specified in rules adopted under division (B)(2)(b) of section 3796.03 of the Revised Code if the person who is the subject of the request is an administrator or other person responsible for the daily operation of, or an owner or prospective owner, officer or prospective officer, or board member or prospective board member of, an entity seeking a license from the department of commerce under Chapter 3796. of the Revised Code;

(b) A disqualifying offense as specified in rules adopted under division (B)(2)(b) of section 3796.04 of the Revised Code
if the person who is the subject of the request is an administrator or other person responsible for the daily operation of, or an owner or prospective owner, officer or prospective officer, or board member or prospective board member of, an entity seeking a license from the state board of pharmacy under Chapter 3796. of the Revised Code.

(14) On receipt of a request required by section 3796.13 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in a manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to the following:

(a) A disqualifying offense as specified in rules adopted under division (B)(8)(a) of section 3796.03 of the Revised Code if the person who is the subject of the request is seeking employment with an entity licensed by the department of commerce under Chapter 3796. of the Revised Code;

(b) A disqualifying offense as specified in rules adopted under division (B)(14)(a) of section 3796.04 of the Revised Code if the person who is the subject of the request is seeking employment with an entity licensed by the state board of pharmacy under Chapter 3796. of the Revised Code.

(15) On receipt of a request pursuant to section 4768.06 of the Revised Code, a completed form prescribed under division (C)(1) of this section, and a set of fingerprint impressions
obtained in the manner described in division (C)(2) of this
section, the superintendent of the bureau of criminal
identification and investigation shall conduct a criminal
records check in the manner described in division (B) of this
section to determine whether any information exists indicating
that the person who is the subject of the request has been
convicted of or pleaded guilty to a felony in this state or in
any other state.

(16) On receipt of a request pursuant to division (B) of
section 4764.07 of the Revised Code, a completed form prescribed
under division (C)(1) of this section, and a set of fingerprint
impressions obtained in the manner described in division (C)(2)
of this section, the superintendent of the bureau of criminal
identification and investigation shall conduct a criminal
records check in the manner described in division (B) of this
section to determine whether any information exists indicating
that the person who is the subject of the request has been
convicted of or pleaded guilty to any crime of moral turpitude,
a felony, or an equivalent offense in any other state or the
United States.

(17) On receipt of a request for a criminal records check
under section 147.022 of the Revised Code, a completed form
prescribed under division (C)(1) of this section, and a set of
fingerprint impressions obtained in the manner prescribed in
division (C)(2) of this section, the superintendent of the
bureau of criminal identification and investigation shall
conduct a criminal records check in the manner described in
division (B) of this section to determine whether any
information exists that indicates that the person who is the
subject of the request previously has been convicted of or
pleaded guilty or no contest to any disqualifying offense, as
defined in section 147.011 of the Revised Code, or to any
offense under any existing or former law of this state, any
other state, or the United States that is substantially
equivalent to such a disqualifying offense.

(18) On receipt of a request pursuant to section 3770.32
of the Revised Code, a completed form prescribed under division
(C)(1) of this section, and a set of fingerprint impressions
obtained in the manner described in division (C)(2) of this
section, the superintendent of the bureau of criminal
identification and investigation shall conduct a criminal
records check in the manner described in division (B) of this
section to determine whether any information exists indicating
that the person who is the subject of the request has been
convicted of or pleaded guilty or no contest to any offense
under any existing or former law of this state, any other state,
or the United States that is a disqualifying offense as
described in division (A)(3) of section 3770.36 of the Revised
Code or substantially equivalent to a disqualifying offense as
described in that section.

(B) Subject to division (F) of this section, the
superintendent shall conduct any criminal records check to be
conducted under this section as follows:

(1) The superintendent shall review or cause to be
reviewed any relevant information gathered and compiled by the
bureau under division (A) of section 109.57 of the Revised Code
that relates to the person who is the subject of the criminal
records check, including, if the criminal records check was
requested under section 113.041, 121.08, 124.74, 173.27, 173.38,
173.381, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26,
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09,
3721.121, 3770.32, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of the Revised Code, any relevant information contained in records that have been sealed under section 2953.32 of the Revised Code;

(2) If the request received by the superintendent asks for information from the federal bureau of investigation, the superintendent shall request from the federal bureau of investigation any information it has with respect to the person who is the subject of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 if the request is made pursuant to section 2151.86 or 5104.013 of the Revised Code or if any other Revised Code section requires fingerprint-based checks of that nature, and shall review or cause to be reviewed any information the superintendent receives from that bureau. If a request under section 3319.39 of the Revised Code asks only for information from the federal bureau of investigation, the superintendent shall not conduct the review prescribed by division (B)(1) of this section.

(3) The superintendent or the superintendent's designee may request criminal history records from other states or the federal government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code.

(4) The superintendent shall include in the results of the criminal records check a list or description of the offenses listed or described in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17)
of this section, whichever division requires the superintendent
to conduct the criminal records check. The superintendent shall
exclude from the results any information the dissemination of
which is prohibited by federal law.

(5) The superintendent shall send the results of the
criminal records check to the person to whom it is to be sent
not later than the following number of days after the date the
superintendent receives the request for the criminal records
check, the completed form prescribed under division (C)(1) of
this section, and the set of fingerprint impressions obtained in
the manner described in division (C)(2) of this section:

(a) If the superintendent is required by division (A) of
this section (other than division (A)(3) of this section) to
conduct the criminal records check, thirty;

(b) If the superintendent is required by division (A)(3)
of this section to conduct the criminal records check, sixty.

(C)(1) The superintendent shall prescribe a form to obtain
the information necessary to conduct a criminal records check
from any person for whom a criminal records check is to be
conducted under this section. The form that the superintendent
prescribes pursuant to this division may be in a tangible
format, in an electronic format, or in both tangible and
electronic formats.

(2) The superintendent shall prescribe standard impression
sheets to obtain the fingerprint impressions of any person for
whom a criminal records check is to be conducted under this
section. Any person for whom a records check is to be conducted
under this section shall obtain the fingerprint impressions at a
county sheriff's office, municipal police department, or any
other entity with the ability to make fingerprint impressions on
the standard impression sheets prescribed by the superintendent.
The office, department, or entity may charge the person a
reasonable fee for making the impressions. The standard
impression sheets the superintendent prescribes pursuant to this
division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

(3) Subject to division (D) of this section, the
superintendent shall prescribe and charge a reasonable fee for
providing a criminal records check under this section. The
person requesting the criminal records check shall pay the fee
prescribed pursuant to this division. In the case of a request
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47,
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the
fee shall be paid in the manner specified in that section.

(4) The superintendent of the bureau of criminal
identification and investigation may prescribe methods of
forwarding fingerprint impressions and information necessary to
conduct a criminal records check, which methods shall include,
but not be limited to, an electronic method.

(D) The results of a criminal records check conducted
under this section, other than a criminal records check
specified in division (A)(7) of this section, are valid for the
person who is the subject of the criminal records check for a
period of one year from the date upon which the superintendent
completes the criminal records check. If during that period the
superintendent receives another request for a criminal records
check to be conducted under this section for that person, the
superintendent shall provide the results from the previous
criminal records check of the person at a lower fee than the fee
prescribed for the initial criminal records check.

(E) When the superintendent receives a request for information from a registered private provider, the superintendent shall proceed as if the request was received from a school district board of education under section 3319.39 of the Revised Code. The superintendent shall apply division (A)(1) (c) of this section to any such request for an applicant who is a teacher.

(F)(1) Subject to division (F)(2) of this section, all information regarding the results of a criminal records check conducted under this section that the superintendent reports or sends under division (A)(7) or (9) of this section to the director of public safety, the treasurer of state, or the person, board, or entity that made the request for the criminal records check shall relate to the conviction of the subject person, or the subject person's plea of guilty to, a criminal offense.

(2) Division (F)(1) of this section does not limit, restrict, or preclude the superintendent's release of information that relates to the arrest of a person who is eighteen years of age or older, to an adjudication of a child as a delinquent child, or to a criminal conviction of a person under eighteen years of age in circumstances in which a release of that nature is authorized under division (E)(2), (3), or (4) of section 109.57 of the Revised Code pursuant to a rule adopted under division (E)(1) of that section.

(G) As used in this section:

(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal
identification and investigation in accordance with division (B) of this section.

(2) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.

(3) "OVI or OVUAC violation" means a violation of section 4511.19 of the Revised Code or a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to section 4511.19 of the Revised Code.

(4) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program.

Sec. 718.031. As used in this section, "sports gaming facility" has the same meaning as in section 3770.30 of the Revised Code.

(A) A municipal corporation shall require a casino facility or a casino operator, as defined in Section 6(C)(9) of Article XV, Ohio Constitution, and section 3772.01 of the Revised Code, respectively, or a lottery sales agent conducting video lottery terminals on behalf of the state to withhold and remit municipal income tax with respect to amounts other than qualifying wages as provided in this section.

(B) If a person's winnings at a casino facility gaming or from sports gaming are an amount for which reporting to the internal revenue service of the amount is required by section 6041 of the Internal Revenue Code, as amended, the a...
casino operator shall deduct and withhold municipal income tax from the person's winnings at the rate of the tax imposed by the municipal corporation in which the operator's casino facility or sports gaming facility is located.

(C) Amounts deducted and withheld by a casino operator are held in trust for the benefit of the municipal corporation to which the tax is owed.

(1) On or before the tenth day of each month, the casino operator shall file a return electronically with the tax administrator of the municipal corporation, providing the name, address, and social security number of the person from whose winnings amounts were deducted and withheld, the amount of each such deduction and withholding during the preceding calendar month, the amount of the winnings from which each such amount was withheld, the type of casino gaming or sports gaming that resulted in such winnings, and any other information required by the tax administrator. With this return, the casino operator shall remit electronically to the municipal corporation all amounts deducted and withheld during the preceding month.

(2) Annually, on or before the thirty-first day of January, a casino operator shall file an annual return electronically with the tax administrator of the municipal corporation in which the casino facility or sports gaming facility is located, indicating the total amount deducted and withheld during the preceding calendar year. The casino operator shall remit electronically with the annual return any amount that was deducted and withheld and that was not previously remitted. If the name, address, or social security number of a person or the amount deducted and withheld with respect to that person was omitted on a monthly return for that reporting
period, that information shall be indicated on the annual return.

(3) Annually, on or before the thirty-first day of January, a casino operator shall issue an information return to each person with respect to whom an amount has been deducted and withheld during the preceding calendar year. The information return shall show the total amount of municipal income tax deducted from the person's winnings during the preceding year. The casino operator shall provide to the tax administrator a copy of each information return issued under this division. The administrator may require that such copies be transmitted electronically.

(4) A casino operator that fails to file a return and remit the amounts deducted and withheld shall be personally liable for the amount withheld and not remitted. Such personal liability extends to any penalty and interest imposed for the late filing of a return or the late payment of tax deducted and withheld.

(5) If a casino operator sells the casino facility or sports gaming facility, or otherwise quits the casino or sports gaming business, the amounts deducted and withheld along with any penalties and interest thereon are immediately due and payable. The successor shall withhold an amount of the purchase money that is sufficient to cover the amounts deducted and withheld along with any penalties and interest thereon until the predecessor casino operator produces either of the following:

(a) A receipt from the tax administrator showing that the amounts deducted and withheld and penalties and interest thereon have been paid;
(b) A certificate from the tax administrator indicating that no amounts are due.

If the successor fails to withhold purchase money, the successor is personally liable for the payment of the amounts deducted and withheld and penalties and interest thereon.

(6) The failure of a casino operator to deduct and withhold the required amount from a person's winnings does not relieve that person from liability for the municipal income tax with respect to those winnings.

(D) If a person's winnings from sports gaming or prize award from a video lottery terminal is an amount for which reporting to the internal revenue service is required by section 6041 of the Internal Revenue Code, as amended, the video lottery sales agent shall deduct and withhold municipal income tax from the person's winnings or prize award at the rate of the tax imposed by the municipal corporation in which the agent's video lottery terminal facility or sports gaming facility is located.

(E) Amounts deducted and withheld by a video lottery sales agent are held in trust for the benefit of the municipal corporation to which the tax is owed.

(1) The video lottery sales agent shall issue to a person from whose winnings or prize award an amount has been deducted and withheld a receipt for the amount deducted and withheld, and shall obtain from the person receiving winnings or a prize award the person's name, address, and social security number in order to facilitate the preparation of returns required by this section.

(2) On or before the tenth day of each month, the video
lottery sales agent shall file a return electronically with the tax administrator of the municipal corporation providing the names, addresses, and social security numbers of the persons from whose winnings or prize awards amounts were deducted and withheld, the amount of each such deduction and withholding during the preceding calendar month, the amount of the winnings or prize award from which each such amount was withheld, and any other information required by the tax administrator. With the return, the video lottery sales agent shall remit electronically to the tax administrator all amounts deducted and withheld during the preceding month.

(3) A video lottery sales agent shall maintain a record of all receipts issued under division (E) of this section and shall make those records available to the tax administrator upon request. Such records shall be maintained in accordance with section 5747.17 of the Revised Code and any rules adopted pursuant thereto.

(4) Annually, on or before the thirty-first day of January, each video lottery terminal sales agent shall file an annual return electronically with the tax administrator of the municipal corporation in which the facility is located indicating the total amount deducted and withheld during the preceding calendar year. The video lottery sales agent shall remit electronically with the annual return any amount that was deducted and withheld and that was not previously remitted. If the name, address, or social security number of a person or the amount deducted and withheld with respect to that person was omitted on a monthly return for that reporting period, that information shall be indicated on the annual return.

(5) Annually, on or before the thirty-first day of
January, a video lottery sales agent shall issue an information return to each person with respect to whom an amount has been deducted and withheld during the preceding calendar year. The information return shall show the total amount of municipal income tax deducted and withheld from the person's winnings or prize award by the video lottery sales agent during the preceding year. A video lottery sales agent shall provide to the tax administrator of the municipal corporation a copy of each information return issued under this division. The tax administrator may require that such copies be transmitted electronically.

(6) A video lottery sales agent who fails to file a return and remit the amounts deducted and withheld is personally liable for the amount deducted and withheld and not remitted. Such personal liability extends to any penalty and interest imposed for the late filing of a return or the late payment of tax deducted and withheld.

(F) If a video lottery sales agent ceases to operate video lottery terminals, sells a sports gaming facility, or otherwise quits the sports gaming business, the amounts deducted and withheld along with any penalties and interest thereon are immediately due and payable. The successor of the video lottery sales agent that purchases the video lottery terminals from the agent shall withhold an amount from the purchase money that is sufficient to cover the amounts deducted and withheld and any penalties and interest thereon until the predecessor video lottery sales agent operator produces either of the following:

(1) A receipt from the tax administrator showing that the amounts deducted and withheld and penalties and interest thereon have been paid;
(2) A certificate from the tax administrator indicating that no amounts are due. If the successor fails to withhold purchase money, the successor is personally liable for the payment of the amounts deducted and withheld and penalties and interest thereon.

(G) The failure of a video lottery sales agent to deduct and withhold the required amount from a person's winnings or prize awards does not relieve that person from liability for the municipal income tax with respect to those winnings or prize awards.

(H) If a casino operator or lottery sales agent files a return late, fails to file a return, remits amounts deducted and withheld late, or fails to remit amounts deducted and withheld as required under this section, the tax administrator of a municipal corporation may impose the following applicable penalty:

(1) For the late remittance of, or failure to remit, tax deducted and withheld under this section, a penalty equal to fifty per cent of the tax deducted and withheld;

(2) For the failure to file, or the late filing of, a monthly or annual return, a penalty of five hundred dollars for each return not filed or filed late. Interest shall accrue on past due amounts deducted and withheld at the rate prescribed in section 5703.47 of the Revised Code.

(I) Amounts deducted and withheld on behalf of a municipal corporation shall be allowed as a credit against payment of the tax imposed by the municipal corporation and shall be treated as taxes paid for purposes of section 718.08 of the Revised Code. This division applies only to the person for whom the amount is
deducted and withheld.

(J) The tax administrator shall prescribe the forms of the receipts and returns required under this section.

Sec. 3770.01. (A) There is hereby created the state lottery commission consisting of nine members appointed by the governor with the advice and consent of the senate. No more than five members of the commission shall be members of the same political party. Of the additional and new appointments made to the commission pursuant to the amendment of August 1, 1980, three shall be for terms ending August 1, 1981, three shall be for terms ending August 1, 1982, and three shall be for terms ending August 1, 1983. The additional two members first appointed to the commission after the effective date of this amendment shall be appointed to terms ending August 1, 2022.

Thereafter, terms of office shall be for three years, each term ending on the same day of the same month of the year as did the term which it succeeds.

(B) Each 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 prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. Any member shall continue in office subsequent to 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.

(C) All members of the commission shall be citizens of the United States and residents of this state. The members of the commission shall represent the various geographic regions of the state. No member of the commission shall have any pecuniary
interest in any contract or license awarded by the commission. One person appointed as a member of the commission shall have experience or training in the area of problem gambling or other addictions and in assistance to recovering gambling or other addicts. Each person appointed as a member of the commission, except the member appointed as having experience or training in the area of problem gambling or other addictions and in assistance to recovering gambling or other addicts, shall have prior experience or education in business administration, management, sales, marketing, or advertising. Three persons appointed as members of the commission shall have gaming experience.

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

(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
commission and shall act as its secretary. The director shall
keep a record of all commission proceedings and shall keep the
commission's records, files, and documents at the commission's
principal office. All records of the commission's meetings shall
be available for inspection by any member of the public, upon a
showing of good cause and prior notification to the director.
(2) The director shall be the commission's executive officer and shall be responsible for keeping all commission records and supervising and administering the state lottery in accordance with this chapter, and carrying out all commission rules adopted under section 3770.03 of the Revised Code.

(C)(1) The director shall appoint deputy directors as necessary and as many regional managers as are required. The director may also appoint necessary professional, technical, and clerical assistants. All such officers and employees shall be appointed and compensated pursuant to Chapter 124. of the Revised Code. Regional and assistant regional managers, sales representatives, and any lottery executive account representatives shall remain in the unclassified service. The assistant director shall act as director in the absence or disability of the director. If the director does not appoint an assistant director, the director shall designate a deputy director to act as director in the absence or disability of the director.

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

(D) The director shall request the bureau of criminal identification and investigation, the department of public safety, or any other state, local, or federal agency to supply the director with the criminal records of any job applicant and may periodically request the criminal records of commission employees. At or prior to the time of making such a request, the director shall require a job applicant or commission employee to obtain fingerprint cards prescribed by the superintendent of the bureau of criminal identification and investigation at a
qualified law enforcement agency, and the director shall cause
these fingerprint cards to be forwarded to the bureau of
criminal identification and investigation and the federal bureau
of investigation. The commission shall assume the cost of
obtaining the fingerprint cards and shall pay to each agency
supplying criminal records for each investigation under this
division a reasonable fee, as determined by the agency.

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

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

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

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

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

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

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

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

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

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

(K)(1) The director shall enter into an agreement with the  
department of mental health and addiction services under which  
the department shall provide a program of gambling addiction  
services, including services to alleviate problem sports gaming,  
on behalf of the commission. The commission shall pay the costs  
of the program provided pursuant to the agreement and shall use  
the moneys in the problem sports gaming and addiction fund  
established under section 5753.031 of the Revised Code for the  
purpose of paying the costs of program services to alleviate  
problem sports gaming in this state. The director shall  
publicize the toll-free telephone number established under  
section 3772.062 of the Revised Code and the gambling addiction  
services provided by the department of mental health and  
addiction services.

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

(L) The director shall do both of the following with  
respect to the sports gaming lottery:

(1) Employ a monitoring system utilizing software to  
identify irregularities in volume or odds swings that could
signal suspicious activities that require further investigation. The state lottery commission shall develop the requirements and specifications for the system according to industry standards and implement the system as part of the minimum internal control standards described in division (D) of section 3770.31 of the Revised Code.

(2) Promptly report to the state lottery commission and the Ohio casino control commission any facts or circumstances related to the operation of a sports gaming licensee that constitute a violation of state or federal law and immediately report any suspicious wagering to the appropriate state or federal authorities.

Sec. 3770.30. As used in this chapter:

(A) "Casino operator" has the same meaning as in section 3772.01 of the Revised Code.

(B) "Collegiate sport or athletic event" means a sport or athletic event offered or sponsored by, or played in connection with, a public or private institution that offers educational services beyond the secondary level.

(C) "Commission" means the state lottery commission created under section 3770.01 of the Revised Code.

(D) "Professional sport or athletic event" means an event at which two or more persons participate in sports or athletic events and receive compensation in excess of actual expenses for their participation in the event.

(E) (1) Except as otherwise provided in division (E)(2) of this section, "sporting event" means any professional sport or athletic event, any collegiate sport or athletic event, any motor race event, or any other special event the commission
authorizes for sports gaming under this chapter, the individual performance statistics of athletes or participants in such an event, or a combination of those.

(2) "Sporting event" does not include a sport or athletic event for primary or secondary school students that is conducted or sponsored by a primary or secondary school or by another person or the individual performance statistics of athletes or participants in such a sport or athletic event.

(F) "Sports gaming" means participating in the sports gaming lottery operated by the state lottery commission through the business of accepting wagers on sporting events by any system or method of gaming the commission approves. "Sports gaming" includes purchasing lottery tickets whose prize determinations are based on exchange wagering, parlays, over-under, moneyline, in-game wagering, single game bets, teaser bets, in-play bets, proposition bets, pools, pari-mutuel sports wagering pools, straight bets, or any other type of wagering on sporting events approved by the commission. "Sports gaming" does not include any of the following:

(1) Pari-mutuel betting on the outcome of a horse race authorized under Chapter 3769. of the Revised Code;

(2) Video lottery terminals authorized under this chapter;

(3) Other lottery games of the state lottery authorized under this chapter and operated by the state lottery commission;

(4) Casino gaming authorized under Section 6(C) of Article XV, Ohio Constitution and Chapter 3772. of the Revised Code;

(5) Fantasy contests authorized under Chapter 3774. of the Revised Code.
(G) "Sports gaming agent" means a casino operator or video lottery sales agent licensed as a sports gaming agent to offer sports gaming in this state. "Sports gaming agent" does not include a veteran's or fraternal organization that contracts with a sports gaming agent to offer sports gaming in the organization's facility pursuant to section 3770.331 of the Revised Code.

(H) "Sports gaming agent license" means authorization granted under this chapter by the commission to a casino operator or video lottery sales agent to offer sports gaming as a sports gaming agent.

(I) "Sports gaming equipment" means any mechanical, electronic, or other device, mechanism, or equipment, including a personal device, and related software, materials, or supplies, that are used or consumed in the operation of sports gaming.

(J) "Sports gaming facility" means a designated area in which sports gaming is conducted on the premises of a casino facility or of a racing facility authorized to conduct horse racing meetings in this state. As used in this division, "casino facility" has the same meaning as in section 3772.01 of the Revised Code.

(K) "Sports gaming license" means a sports gaming agent license, a management services provider license issued under section 3770.34 of the Revised Code, or a sports gaming occupational license issued under section 3770.35 of the Revised Code.

(L) "Sports gaming licensee" means a person who holds a valid sports gaming license.

(M) "Sports gaming receipts" has the same meaning as in
section 5753.01 of the Revised Code.

(N) "Sports governing body" means a regional, national, or international organization having ultimate authority over the rules and codes of conduct with respect to a sporting event and the participants in the sporting event.

(O) "Video lottery sales agent" means an agent of the state lottery authorized to operate an electronic device approved by the state lottery commission that provides immediate prize determinations for participants on an electronic display that is located at a facility owned by a holder of a permit as defined in rule 3769-1-05 of the Administrative Code.

(P) "Wager" means to purchase a sports gaming lottery ticket through which a sum of money or thing of value is risked on an uncertain occurrence.

Sec. 3770.31. (A) In all cases in which this chapter requires or allows the commission to adopt rules concerning sports gaming, the commission shall adopt those rules under Chapter 119. of the Revised Code.

(B) The commission shall adopt rules that include all of the following:

(1) Procedures for a sports gaming agent to accept wagers on a sporting event or series of sporting events;

(2) The maximum wager that a sports gaming agent may accept from any one individual on any one sporting event;

(3) The types of wagering tickets to be used;

(4) The manner in which tickets are issued;

(5) The type of records to be kept by sports gaming
(6) The system to be used to place a wager;

(7) Protections for a player placing a wager;

(8) Measures to promote responsible sports gaming;

(9) Penalties and fines for violating this section or rules adopted under this section;

(10) A prohibition against sports gaming advertising targeting individuals under twenty-one years of age;

(11) Any other procedure or thing the commission determines necessary to ensure the integrity of sports gaming.

(C) The commission may, independently or at the request of any person, including a sports governing body, adopt rules to prohibit wagering on a particular type of sporting event or to prohibit a particular type of wager.

(D) The commission shall adopt rules establishing minimum internal control standards for the administration of sports gaming operations, sports gaming equipment, systems, or other items used to conduct sports gaming, and the maintenance of financial records and other required records. The commission may approve minimum internal control standards proposed by sports gaming agents.

(E) The commission shall approve sports gaming equipment and shall adopt rules requiring sports gaming licensees and sports gaming facilities to use only approved sports gaming equipment.

(F) The commission shall determine a person's eligibility to hold or renew a sports gaming license, shall issue all sports
gaming licenses, and shall maintain a record of all sports gaming licenses issued under this chapter. The commission shall accept applications, evaluate qualifications of applicants, and undertake initial review of sports gaming licenses before the commission has adopted rules governing issuing sports gaming licenses under this chapter.

(G) The commission shall levy and collect all fees, surcharges, and civil penalties imposed under this chapter and rules adopted under this chapter and shall deposit all moneys collected into the sports gaming revenue fund created under section 5753.031 of the Revised Code.

(H) The commission, in an adjudication conducted under Chapter 119. of the Revised Code, may penalize, limit, condition, restrict, suspend, revoke, deny, or refuse to renew the sports wagering license of any licensee or applicant. The commission may take into account any relevant aggravating or mitigating factors without in any manner limiting the commission's authority to impose the level and type of discipline the commission considers appropriate.

(I) The commission may adopt rules that establish standards for advertising on items that are used in the conduct of, or to promote, a sports gaming event. The commission may develop its own advertising or enter into a contract for advertising services. Any revenue the commission derives from the sale of advertising on sports gaming equipment shall be deposited into the sports gaming revenue fund.

(J) The commission may make statewide aggregated, anonymized sports gaming data available to sports governing bodies through the monitoring system described in division (L) (1) of section 3770.02 of the Revised Code in order to ensure
the integrity of sports gaming.

Sec. 3770.32. (A) Except for a veteran's or fraternal organization that offers sports gaming under section 3770.331 of the Revised Code, no person shall operate, conduct, or assist in operating or conducting sports gaming in this state without first obtaining an appropriate sports gaming license from the state lottery commission.

(B)(1) Except as otherwise required under division (B)(2) of this section, each person applying for a sports gaming license issued under this chapter shall submit one complete set of fingerprints directly to the superintendent of the bureau of criminal identification and investigation for the purpose of conducting a criminal records check. The person shall provide the fingerprints using a method the superintendent of the bureau of criminal identification and investigation prescribes pursuant to division (C)(2) of section 109.572 of the Revised Code and fill out the form the superintendent of the bureau of criminal identification and investigation prescribes pursuant to division (C)(1) of section 109.572 of the Revised Code. Upon receiving an application under this section, the director of the state lottery commission shall request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprint impressions in accordance with division (A)(18) of section 109.572 of the Revised Code. Any fee required under division (C)(3) of section 109.572 of the Revised Code shall be paid by the applicant, or in the case of an occupational license, by the applicant's employer. The state lottery commission may require additional criminal records checks from a licensee applying to renew a sports gaming license, and any applicant convicted of any disqualifying
offense as described in division (A)(3) of section 3770.36 of the Revised Code shall not be issued a license.

(2) If an applicant for a sports gaming license under this chapter underwent a criminal records check during the previous three years for the purpose of obtaining or renewing a video lottery license issued by the state lottery commission or a license issued under Chapter 3772. of the Revised Code, the applicant was issued that license or had the license renewed, and the state lottery commission or the Ohio casino control commission, as applicable, has a record of the result of the applicant's criminal records check, the applicant shall not be required to undergo an additional criminal records check under division (B)(1) of this section. The state lottery commission shall use the result of the previous criminal records check obtained from its own records or from the records of the Ohio casino control commission to determine whether the applicant has been convicted of a disqualifying offense as described in division (A)(3) of section 3770.36 of the Revised Code.

(C) The state lottery commission shall not grant a sports gaming agent or management services provider license until it has determined that each person who has control of the applicant has met the qualifications for sports gaming licensure established in this chapter and in rules adopted by the commission. All of the following persons are considered to have control of an applicant:

(1) Each person associated with a corporate applicant, including any corporate holding company, parent company, or subsidiary company of the applicant that has the ability to control the activities of the corporate applicant or elect a majority of the board of directors of that corporation, other
than any bank or other licensed lending institution that holds a mortgage or other lien acquired in the course of ordinary business;

(2) Each person associated with a noncorporate applicant that directly or indirectly holds a beneficial or proprietary interest in the applicant's business operation or that the commission otherwise determines has the ability to control the applicant;

(3) Key personnel of an applicant, including any executive, employee, or agency, having the power to exercise significant influence over decisions concerning any part of the applicant's business operation.

(D) A sports gaming agent or management services provider shall display its license conspicuously in its place of business or have the license available for inspection by any agent of the state lottery commission or any law enforcement agency. Each holder of an occupational license issued under section 3770.35 of the Revised Code shall have an indicator of licensure prominently displayed when present in a sports gaming facility at all times, in accordance with the rules of the commission.

(E) A sports gaming licensee shall give the state lottery commission written notice within thirty days of any change to any information provided in the licensee's application for a license or renewal.

Sec. 3770.33. (A) Except for a veteran's or fraternal organization that offers sports gaming under section 3770.331 of the Revised Code, no person shall offer sports gaming in this state without first obtaining a sports gaming agent license from the commission. The commission shall not operate as a sports
gaming agent and shall not issue a sports gaming agent license except as provided in this section.

(B) Only a casino operator or a video lottery sales agent may apply for a sports gaming agent license. The commission shall issue a sports gaming agent license to an applicant that does all of the following:

(1) Submits a written application on a form furnished by the commission;

(2) Pays a nonrefundable application fee of one hundred thousand dollars;

(3) Agrees to a minimum capital investment as approved by the commission;

(4) Commits to employing a certain number of individuals on a full-time basis as approved by the commission;

(5) Does one of the following:

(a) Gives to the state a surety bond, in an amount and in the form approved by the commission, to guarantee that the applicant faithfully makes all payments required by this chapter and rules adopted under this chapter;

(b) Increases the amount of an existing surety bond given to the state as a condition of licensure as a video lottery sales agent or casino operator by an amount approved by the commission and conditions the increased amount of the surety bond on the applicant faithfully making all payments required by this chapter and rules adopted under this chapter.

(6) Submits an audit of the applicant's financial transactions and the condition of the applicant's total operations for the previous fiscal year prepared by a certified
public accountant in accordance with generally accepted  
accounting principles and state and federal laws;

(7) Satisfies any other conditions for licensure required  
under this chapter and rules adopted under this chapter,  
provided that the commission's rules shall not require an  
applicant for a sports gaming agent license to take action to  
satisfy any additional requirement for that license that is  
substantially similar to any requirement the applicant  
previously has satisfied in order to obtain or renew the  
applicant's video lottery sales agent license or casino operator  
license.

(C)(1) The term of a sports gaming agent license shall be  
concurrent with the term of the sports gaming agent's casino  
operator license issued by the Ohio casino control commission  
under Chapter 3772. of the Revised Code and the rules adopted  
under that chapter or of the sports gaming agent's video lottery  
sales agent license issued by the state lottery commission under  
this chapter and the rules adopted under this chapter, as  
applicable.

(2) Upon the expiration of a sports gaming agent license,  
the sports gaming agent may renew the license, unless any of the  
following are true:

(a) The license is suspended or revoked.

(b) The sports gaming agent's casino operator license or  
video lottery sales agent license is suspended or revoked.

(c) The commission determines that the sports gaming agent  
is not in compliance with this chapter and the rules adopted  
under this chapter.

(3) The sports gaming agent shall pay a nonrefundable
renewal fee of one hundred thousand dollars or one per cent of the sports gaming agent's total gross receipts received from the operation of sports gaming in this state during the previous year, whichever is less.

(D) No sports gaming agent shall permit a person other than the sports gaming agent to offer sports gaming on behalf of the sports gaming agent, except as permitted under sections 3770.331 and 3770.34 of the Revised Code.

(E) For each fiscal year during which a sports gaming agent offers sports gaming under this chapter, the sports gaming agent shall submit to the commission an audit of the sports gaming agent's financial transactions and the condition of the sports gaming agent's total operations prepared by a certified public accountant in accordance with generally accepted accounting principles and applicable state and federal laws.

Sec. 3770.331. (A) As used in this section, "fraternal organization" and "veteran's organization" have the same meanings as in section 2915.01 of the Revised Code.

(B) The commission shall adopt rules to permit a veteran's or fraternal organization to contract with a sports gaming agent to offer sports gaming through the sports gaming agent using a single piece of sports gaming equipment located in the organization's facility. The rules shall do all of the following:

(1) Require the veteran's or fraternal organization to permit only individuals who are members of the organization to participate in sports gaming offered by the organization;

(2) Require the organization to pay to the commission a nonrefundable application fee of one thousand dollars;
(3) Require the organization to hold a D-class liquor permit issued under Chapter 4303. of the Revised Code for the facility where the organization seeks to offer sports gaming;

(4) Establish the compensation due to the organization from the sports gaming agent, which shall be substantially similar to the compensation percentages paid to lottery sales agents;

(5) Require the sports gaming agent to comply with all applicable requirements of this chapter and of the rules adopted by the commission concerning the conduct of sports gaming at the organization's facility;

(6) Provide for any other procedure or thing the commission determines necessary to complete its duties under this section.

(C) If a veteran's or fraternal organization that wishes to contract with a sports gaming agent under this section is unable to do so because no sports gaming agent is willing to contract with the veteran's or fraternal organization, the veteran's or fraternal organization may report that fact to the commission. Upon receiving the report, the commission shall require a sports gaming agent selected by the commission to enter into a contract with the veteran's or fraternal organization under commercially reasonable terms approved by the commission.

(D) A contract between a veteran's or fraternal organization and a sports gaming agent under this section shall be for a term of one year. If the commission determines that the organization and the sports gaming agent are in compliance with this chapter and the rules adopted under this chapter, the
organization and the sports gaming agent may renew the contract. Upon renewing the contract, the organization shall pay to the commission a nonrefundable renewal fee of one thousand dollars.

Sec. 3770.34. (A) A sports gaming agent may contract with a management services provider to offer sports gaming on the sports gaming agent's behalf, either in a sports gaming facility or in another manner authorized by the commission, in accordance with this chapter and with the rules adopted by the commission under this chapter. The management services provider shall be licensed under this section before entering into a contract with the sports gaming agent for that purpose.

(B) An applicant for a management services provider license shall meet all requirements for licensure and shall pay a nonrefundable license and application fee of one thousand dollars. The commission may accept another jurisdiction's license, if the commission determines it has similar licensing requirements, as evidence that the applicant meets the requirements for a license issued under this section. The commission may adopt rules establishing additional requirements to obtain a management services provider license, provided that the commission's rules shall not require an applicant for a management services provider license that currently holds a video lottery license issued by the commission or a license issued under Chapter 3772. of the Revised Code to take action to satisfy any additional requirement for the management services provider license that is substantially similar to any requirement the applicant previously has satisfied in order to obtain or renew the applicant's video lottery license or license issued under Chapter 3772. of the Revised Code.

(C) A management services provider license shall be valid
for a term of one year. The commission shall renew a license for any management services provider that remains in compliance with all requirements for the license and pays an annual renewal fee of one thousand dollars.

(D) In order to permit a management services provider to offer sports gaming on behalf of a sports gaming agent, the sports gaming agent and the management services provider shall enter into a written contract that has been approved by the commission. If the sports gaming agent and the management services provider wish to make a material change to the contract, the sports gaming agent first shall submit the change to the commission for its approval or rejection. The sports gaming agent or the management services provider may not assign, delegate, subcontract, or transfer the management service provider's duties and responsibilities under the contract to a third party without the prior approval of the commission. Such a third party shall be licensed as a management services provider under this section before providing those services.

(E) The provisions of this chapter concerning a sports gaming agent apply to a management services provider that contracts with the sports gaming agent with respect to all rights, duties, and liabilities of the sports gaming agent assigned, delegated, subcontracted, or transferred to the management services provider as though the management services provider were a sports gaming agent.

Sec. 3770.35. (A) Except for an individual who is employed by a veteran's or fraternal organization to be engaged in sports gaming-related activities under section 3770.331 of the Revised Code, an individual who is employed to be engaged directly in sports gaming-related activities in this state, or otherwise to
conduct or operate sports gaming in this state, shall hold an appropriate and valid sports gaming occupational license issued by the commission at all times. The commission shall issue a sports gaming occupational license to an individual who meets the requirements of this chapter and of the commission's rules, provided that the commission's rules shall not require an applicant for a sports gaming occupational license who currently holds a video lottery license issued by the commission or a license issued under Chapter 3772. of the Revised Code to take action to satisfy any additional requirement for the sports gaming occupational license that is substantially similar to any requirement the applicant previously has satisfied in order to obtain or renew the applicant's video lottery license or license issued under Chapter 3772. of the Revised Code.

(B) A sports gaming occupational license permits the licensee to be employed in the capacity the commission designates during the duration of the license. The commission may establish by rule job classifications with different requirements.

(C) An applicant for a sports gaming occupational license shall apply for the license on a form prescribed by the commission and shall pay a nonrefundable application fee of one hundred dollars. An applicant's employer may pay the fee on behalf of the applicant.

(D) The commission may adopt rules allowing an individual who holds a sports gaming occupational license from another jurisdiction to be licensed in this state by reciprocity, so long as that jurisdiction's requirements to receive that license and the activities authorized by the license are substantially similar to those of this state with respect to the license the
individual seeks.

(E) A sports gaming occupational license shall be valid for a term of three years, provided that if the individual also holds a video lottery license issued by the commission or a license issued under Chapter 3772. of the Revised Code, the term of the individual's sports gaming occupational license shall be concurrent with that other license. In order to renew a sports gaming occupational license, the licensee shall apply to the commission on a form prescribed by the commission and shall pay to the commission a nonrefundable renewal fee of one hundred dollars. The licensee's employer may pay the fee on behalf of the licensee.

Sec. 3770.36. (A) The commission shall not grant a sports gaming license to an applicant if evidence satisfactory to the commission exists that the applicant has done any of the following:

(1) Knowingly made a false statement of a material fact to the commission;

(2) Been suspended from operating a gambling game, gaming device, or gaming operation, or had a license revoked by any governmental unit of a national, state, or local body exercising governmental functions, other than the United States government;

(3) Been convicted of a disqualifying offense, which shall be a crime of moral turpitude, a gambling-related offense, a theft or fraud offense, or has otherwise demonstrated a lack of respect for law and order as demonstrated in the criminal records check conducted under section 3770.32 of the Revised Code;

(4) Been directly employed by any offshore wagering market
that illegally serviced the United States or otherwise accepted illegal wagers from individuals located in the United States.

(B) The commission may deny a sports gaming agent license to any applicant, reprimand any sports gaming agent, or suspend or revoke a sports gaming agent license if any of the following are true:

(1) The applicant or sports gaming agent has not demonstrated to the commission's satisfaction financial responsibility sufficient to adequately meet the requirements of the enterprise.

(2) The applicant or sports gaming agent is not the true owner of the business or is not the sole owner and has not disclosed the existence or identity of other persons who have an ownership interest in the business.

(3) The applicant or sports gaming agent is a corporation that sells more than five per cent of a sports gaming agent's voting stock, or more than five per cent of the voting stock of a corporation that controls the sports gaming agent, or sells a sports gaming agent's assets, other than those bought and sold in the ordinary course of business, or any interest in the assets, to any person not already determined by the commission to have met the qualifications of a sports gaming agent.

(C) The commission shall not grant a sports gaming license to an individual who is under twenty-one years of age or to an employee of the commission.

Sec. 3770.37. A sports gaming agent shall adopt comprehensive house rules for game play governing sports gaming transactions with its patrons, including rules that specify the amounts to be paid on winning wagers and the effect of schedule
changes, and shall submit them to the commission for approval before implementing them. The sports gaming agent shall publish its house rules as part of its minimum internal control standards, shall display the house rules, together with any other information the commission considers appropriate, conspicuously in each sports gaming facility and in any other place or manner prescribed by the commission, and shall make copies of its house rules readily available to patrons.

Sec. 3770.38. A sports gaming agent shall do all of the following:

(A) Conduct all sports gaming activities and functions in a manner that does not pose a threat to the public health, safety, or welfare of the citizens of this state;

(B) Assist the commission in maximizing sports gaming revenues;

(C) Keep current in all payments and obligations to the commission;

(D) Acquire sports gaming equipment by purchase, lease, or other assignment and provide a secure location for the placement, operation, and play of sports gaming equipment;

(E) Prevent any person from tampering with or interfering with the operation of sports gaming;

(F) Ensure that sports gaming conducted at a sports gaming facility is within the sight and control of designated employees of the sports gaming agent and that sports gaming is conducted under continuous observation by security equipment in conformity with the specifications and requirements of the commission;

(G) Ensure that sports gaming occurs only in the locations
and manner approved by the commission;

(H) Ensure that all sports gaming is monitored through a centralized lottery gaming system;

(I) Ensure that all sports gaming equipment owned or operated by the sports gaming agent is connected to and monitored through a centralized lottery gaming system;

(J) Conspicuously post a notice at each sports gaming facility and in every other place required by the commission, indicating the minimum and maximum wagers permitted, and comply with those limits;

(K) Maintain sufficient funds and other supplies to conduct sports gaming at all times;

(L) Maintain daily records showing the sports gaming agent's sports gaming receipts and timely file with the commission any additional reports required by rule or by other provisions of the Revised Code.

Sec. 3770.39. (A)(1) A sports gaming agent shall accept wagers on sporting events only from individuals who are at least twenty-one years of age and who are physically present in this state, and only using sports gaming equipment approved in accordance with this chapter.

(2)(a) Except as otherwise provided in division (A)(2)(b) of this section, before accepting any wager on a sporting event from an individual, the sports gaming agent shall require the individual to register with the sports gaming agent, provide the individual's full legal name and any other information required by the commission or requested by the sports gaming agent, and place all wagers on sporting events placed with the sports gaming agent through that registration.
(b) A sports gaming agent may accept an anonymous wager from an individual who is physically present in a sports gaming facility, so long as the amount of the wager does not exceed a dollar limit determined by the commission by rule.

(3)(a) An employee of a sports gaming agent who is between eighteen and twenty-one years of age may be present in a sports gaming facility, so long as the employee's duties are not related to sports gaming.

(b) An individual who is under twenty-one years of age may enter a sports gaming facility in order to pass to another area where sports gaming is not being conducted, but only if the individual is personally escorted by an employee of the sports gaming agent who remains in close proximity to the individual at all times in accordance with the rules of the commission.

(B)(1) The commission may exclude any individual from entering a sports gaming facility or the grounds of a sports gaming facility or from participating in the play or operation of sports gaming. The commission shall keep a list of all excluded individuals and shall make that list available to each sports gaming agent. No individual who is on the commission's exclusion list shall enter a sports gaming facility or the grounds of a sports gaming facility or participate in the play or operation of sports gaming under this chapter.

(2)(a) A sports gaming agent may exclude any individual from entering a sports gaming facility, or the grounds of a sports gaming facility, that is under the control of the sports gaming agent and may exclude any individual from participating in the play or operation of sports gaming conducted by the sports gaming agent. The sports gaming agent shall keep a list of all excluded individuals. No individual who is on a sports
gaming agent's exclusion list shall enter a sports gaming facility, or the grounds of a sports gaming facility, that is under the control of the sports gaming agent or participate in the play or operation of sports gaming conducted by the sports gaming agent under this chapter.

(b) If a sports gaming agent excludes an individual because the sports gaming agent determines that the individual engaged or attempted to engage in any sports gaming related activity that is prohibited under this chapter or under the commission's rules, the sports gaming agent shall report that fact to the commission, and the commission shall place that individual on the commission's exclusion list.

(C) No person who is on the voluntary exclusion list described in section 3772.01 of the Revised Code shall participate in the play or operation of sports gaming under this chapter.

(D) No employee of a sports gaming agent shall engage in any sports gaming conducted by the sports gaming agent.

(E) No employee of the commission shall knowingly wager or be paid any prize from any wager placed with a sports gaming agent in this state or with any person or entity located outside this state that is directly or indirectly owned or operated by a sports gaming agent.

Sec. 3770.40. (A) All shipments of gambling devices, including any sports gaming equipment, to sports gaming facilities in this state are legal shipments of gambling devices into this state, as long as the supplier has completed the registering, recording, and labeling of the equipment in accordance with the "Gambling Devices Act of 1962," 15 U.S.C.
1171 to 1178.

(B) This state is exempt from section 2 of the "Gambling Devices Act of 1962," 15 U.S.C. 1172.

Sec. 3770.99. (A) Whoever is prohibited from claiming a lottery prize award under division (E) of section 3770.07 of the Revised Code and attempts to claim or is paid a lottery prize award is guilty of a minor misdemeanor, and shall provide restitution to the state lottery commission of any moneys erroneously paid as a lottery prize award to that person.

(B) Whoever violates division (C) of section 3770.071 or section 3770.08 of the Revised Code is guilty of a misdemeanor of the third degree.

(C) Whoever knowingly does any of the following commits a misdemeanor of the first degree on the first offense and a felony of the fifth degree on a subsequent offense:

(1) Makes a false statement on an application submitted under the provisions of this chapter governing sports gaming;

(2) Permits an individual under twenty-one years of age to engage in sports gaming;

(3) Aids, induces, or causes an individual under twenty-one years of age who is not an employee of the sports gaming agent to enter or attempt to enter a sports gaming facility;

(4) Enters or attempts to enter a sports gaming facility while under twenty-one years of age, except as permitted under division (A)(3) of section 3770.39 of the Revised Code;

(5) Is a sports gaming agent or an employee of a sports gaming agent and participates in sports gaming offered by the sports gaming agent, other than as part of operating sports
gaming or as part of the employee's employment.

(D) Whoever knowingly does any of the following commits a felony of the fifth degree on a first offense and a felony of the fourth degree on a subsequent offense. If the person is a sports gaming licensee under this chapter, the commission shall revoke the person's license after the first offense.

(1) Offers, promises, or gives anything of value to anyone for the purpose of influencing the outcome of a sporting event or attempts to do so;

(2) Places, increases, or decreases a wager after acquiring knowledge not available to the general public that anyone has been offered, promised, or given anything of value for the purpose of influencing the outcome of a sporting event upon which the wager is placed, increased, or decreased, or attempts to do so;

(3) Manufactures, sells, or distributes any device that is intended by that person to be used to violate any provision of this chapter or the sports gaming laws of any other state;

(4) Places a bet or aids any other person in placing a bet on a sporting event after unlawfully acquiring knowledge of the outcome on which winnings from that bet are contingent;

(5) Claims, collects, or takes anything of value from a sports gaming agent with intent to defraud or attempts to do so without having made a wager in which the amount or value is legitimately won or owed;

(6) Places a wager using counterfeit currency or other counterfeit form of credit approved for wagering;

(7) Possesses any device intended to be used to violate
the provisions of this chapter governing sports wagering or any rule adopted under this chapter or any materials used to manufacture such a device. This division does not apply to a sports gaming agent or to an agent or employee of a sports gaming agent who is acting in furtherance of the sports gaming agent's interest.

(8) Operates sports gaming in a manner other than the manner required under this chapter. Premises used or occupied in violation of this division constitute a nuisance subject to abatement under Chapter 3767 of the Revised Code.

(E) Whoever knowingly does any of the following commits a felony of the third degree. If the person is a sports gaming licensee under this chapter, the commission shall revoke the person's license after the first offense.

(1) Offers, promises, or gives anything of value or benefit to a person who is connected with a sports gaming agent or to an agent or employee of a sports gaming agent, under an agreement to influence, or with the intent to influence, the actions of the person to whom the offer, promise, or gift is made in order to affect or attempt to affect the outcome of sports gaming conducted under this chapter or an official action of a member, agent, or employee of the commission.

(2) Solicits, accepts, or receives a promise of anything of value or benefit while the person is connected with a sports gaming agent or an agent or employee of a sports gaming agent, under an agreement to influence, or with the intent to influence, the actions of the person to affect or attempt to affect the outcome of sports gaming conducted under this chapter or an official action of a member, agent, or employee of the commission.
(F) Whoever knowingly does any of the following while participating in sports gaming or otherwise transacting with a sports gaming agent as permitted under this chapter commits a felony of the fifth degree on a first offense and a felony of the fourth degree on a subsequent offense:

(1) Causes or attempts to cause a sports gaming agent to fail to file a report required under 31 U.S.C. 5313(a) or 5325 or any regulation prescribed thereunder or section 1315.53 of the Revised Code, or to fail to file a report or maintain a record required by an order issued under section 21 of the "Federal Deposit Insurance Act" or section 123 of Pub. L. No. 91-508;

(2) Causes or attempts to cause a sports gaming agent to file a report under 31 U.S.C. 5313(a) or 5325 or any regulation prescribed thereunder or section 1315.53 of the Revised Code, to file a report or to maintain a record required by any order issued under 31 U.S.C. 3126, or to maintain a record required under any regulation prescribed under section 21 of the "Federal Deposit Insurance Act" or section 123 of Pub. L. No. 91-508 that contains a material omission or misstatement of fact;

(3) With one or more sports gaming agents, structures a transaction, is complicit in structuring a transaction, attempts to structure a transaction, or is complicit in an attempt to structure a transaction. As used in this division:

(a) To be "complicit" means to engage in any conduct of a type described in divisions (A)(1) to (4) of section 2923.03 of the Revised Code.

(b) "Structure a transaction" has the same meaning as in section 1315.51 of the Revised Code.
(G) The commission shall levy and collect penalties for noncriminal violations of the provisions of this chapter governing sports gaming. All penalties collected under this division shall be deposited in the sports gaming revenue fund.

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

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

(C) The commission shall adopt rules as are necessary for completing the functions stated in division (A) of this section and for addressing the subjects enumerated in division (D) of this section.

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

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

(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;
(3) Prescribing the information to be furnished by an applicant or licensee as described in section 3772.11 of the Revised Code;

(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;

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

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

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

(8) Identifying the casino gaming that is permitted, identifying the gaming supplies, devices, and equipment, that are permitted, defining the area in which the permitted casino gaming may be conducted, and specifying the method of operation according to which the permitted casino gaming is to be conducted as provided in section 3772.20 of the Revised Code, and requiring gaming devices and equipment to meet the standards of this state;

(9) Tournament play in any casino facility;

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

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

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

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

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

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

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

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

(h) Requiring the commission to adopt standards regarding the marketing materials of a licensed casino 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, 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, 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  
provisional licenses for casino gaming employees who submit  
complete applications and are compliant under an instant  
background check. A provisional license shall be valid not  
longer than three months. A provisional license may be renewed  
one time, at the commission's discretion, for an additional  
three months. In establishing standards with regard to instant  
background checks the commission shall take notice of criminal  
records checks as they are conducted under section 311.41 of the  
Revised Code using electronic fingerprint reading devices.

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

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

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

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

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

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

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

(23) Defining penalties for violation of commission rules and a process for imposing such penalties;

(24) Establishing standards for decertifying contractors that violate statutes or rules of this state or the federal government;
(25) Establishing standards for the repair of casino gaming equipment;

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

(27) Prescribing, for institutional investors in or holding companies of a casino operator, management company, holding company, or gaming-related vendor that fall below the threshold needed to be considered an institutional investor or a holding company, standards regarding what any employees, members, or owners of those investors or holding companies may do and shall not do in relation to casino facilities and casino gaming in this state, which standards shall rationally relate to the need to proscribe conduct that is inconsistent with passive institutional investment status;

(28) Providing for any other thing necessary and proper for successful and efficient regulation of casino gaming under this chapter.

(E) The commission shall employ and assign gaming agents as necessary to assist the commission in carrying out the duties of this chapter and Chapters 2915. and 3770. of the Revised Code. In order to maintain employment as a gaming agent, the gaming agent shall successfully complete all continuing training programs required by the commission and shall not have been convicted of or pleaded guilty or no contest to a disqualifying offense as defined in section 3772.07 of the Revised Code.

(F) The commission, as a law enforcement agency, and its
gaming agents, as law enforcement officers as defined in section 2901.01 of the Revised Code, shall have authority with regard to the detection and investigation of, the seizure of evidence allegedly relating to, and the apprehension and arrest of persons allegedly committing violations of this chapter or gambling offenses as defined in section 2915.01 of the Revised Code or violations of any other law of this state that may affect the integrity of casino gaming, or the operation of skill-based amusement machines, or the operation of sports gaming, and shall have access to casino facilities, and skill-based amusement machine facilities, and sports gaming facilities to carry out the requirements of this chapter and of the provisions of Chapter 3770, of the Revised Code governing sports gaming.

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

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

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

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

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

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

(J) The commission shall submit a written annual report with the governor, president and minority leader of the senate, and the speaker and minority leader of the house of representatives before the first day of September each year. The annual report shall cover the previous fiscal year and shall include all of the following:

(1) A statement describing the receipts and disbursements of the commission;

(2) Relevant financial data regarding casino gaming, including gross revenues and disbursements made under this chapter;

(3) Actions taken by the commission;

(4) An update on casino operators', management companies', and holding companies' compulsive and problem gambling plans and the voluntary exclusion program and list;

(5) Information regarding prosecutions for conduct described in division (H) of section 3772.99 of the Revised Code, including, but not limited to, the total number of prosecutions commenced and the name of each person prosecuted;

(6) Any additional information that the commission considers useful or that the governor, president or minority
leader of the senate, speaker or minority leader of the house of representatives requests.

(K) To ensure the integrity of skill-based amusement machine operations, the commission shall have jurisdiction over all persons conducting or participating in the conduct of skill-based amusement machine operations authorized by this chapter and Chapter 2915. of the Revised Code, including the authority to complete the functions of licensing, regulating, investigating, and penalizing those persons in a manner that is consistent with the commission's authority to do the same with respect to casino gaming. To carry out this division, the commission may adopt rules under Chapter 119. of the Revised Code, including rules establishing fees and penalties related to the operation of skill-based amusement machines.

(L) To ensure the integrity of fantasy contests, the commission shall have jurisdiction over all persons conducting or participating in the conduct of a fantasy contest authorized by Chapter 3774. of the Revised Code, including the authority to license, regulate, investigate, and penalize those persons in a manner that is consistent with the commission's authority to do the same with respect to skill-based amusement machines. To carry out this division, the commission may adopt rules under Chapter 119. of the Revised Code, including rules establishing fees and penalties related to the operation of fantasy contests.

(M) All fees imposed pursuant to the rules adopted under divisions (K) and (L) of this section shall be deposited into the casino control commission fund.

(N) The Ohio casino control commission shall enter into an agreement with the director of the state lottery commission to enforce the provisions of Chapter 3770. of the Revised Code.
governing sports gaming. The Ohio casino control commission shall have jurisdiction over all persons conducting or participating in the conduct of sports gaming authorized under Chapter 3770. of the Revised Code, including the authority to investigate and penalize those persons. The Ohio casino control commission shall enforce any sports gaming rules adopted by the state lottery commission.

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) of this section, no agent of the department of taxation, except in the agent's report to the department or when called on to testify in any court or proceeding, shall divulge any information acquired by the agent as to the transactions, property, or business of any person while acting or claiming to act under orders of the department. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the department.

(B)(1) For purposes of an audit pursuant to section 117.15 of the Revised Code, or an audit of the department pursuant to Chapter 117. of the Revised Code, or an audit, pursuant to that chapter, the objective of which is to express an opinion on a financial report or statement prepared or issued pursuant to division (A)(7) or (9) of section 126.21 of the Revised Code, the officers and employees of the auditor of state charged with conducting the audit shall have access to and the right to examine any state tax returns and state tax return information in the possession of the department to the extent that the access and examination are necessary for purposes of the audit. Any information acquired as the result of that access and examination shall not be divulged for any purpose other than as required for the audit or unless the officers and employees are
required to testify in a court or proceeding under compulsion of legal process. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the auditor of state.

(2) For purposes of an internal audit pursuant to section 126.45 of the Revised Code, the officers and employees of the office of internal audit in the office of budget and management charged with directing the internal audit shall have access to and the right to examine any state tax returns and state tax return information in the possession of the department to the extent that the access and examination are necessary for purposes of the internal audit. Any information acquired as the result of that access and examination shall not be divulged for any purpose other than as required for the internal audit or unless the officers and employees are required to testify in a court or proceeding under compulsion of legal process. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the office of internal audit.

(3) As provided by section 6103(d)(2) of the Internal Revenue Code, any federal tax returns or federal tax information that the department has acquired from the internal revenue service, through federal and state statutory authority, may be disclosed to the auditor of state or the office of internal audit solely for purposes of an audit of the department.

(4) For purposes of Chapter 3739. of the Revised Code, an agent of the department of taxation may share information with the division of state fire marshal that the agent finds during the course of an investigation.
(C) Division (A) of this section does not prohibit any of the following:

(1) Divulging information contained in applications, complaints, and related documents filed with the department under section 5715.27 of the Revised Code or in applications filed with the department under section 5715.39 of the Revised Code;

(2) Providing information to the office of child support within the department of job and family services pursuant to section 3125.43 of the Revised Code;

(3) Disclosing to the motor vehicle repair board any information in the possession of the department that is necessary for the board to verify the existence of an applicant's valid vendor's license and current state tax identification number under section 4775.07 of the Revised Code;

(4) Providing information to the administrator of workers' compensation pursuant to sections 4123.271 and 4123.591 of the Revised Code;

(5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code;

(6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to section 718.84 of the Revised Code or rules adopted under section 5745.16 of the Revised Code;

(7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031
of the Revised Code, or a seller having a use tax account
maintained pursuant to section 5741.17 of the Revised Code, or
information regarding the active or inactive status of a
vendor's license, direct payment permit, or seller's use tax
account;

(8) Releasing invoices or invoice information furnished
under section 4301.433 of the Revised Code pursuant to that
section;

(9) Providing to a county auditor notices or documents
concerning or affecting the taxable value of property in the
county auditor's county. Unless authorized by law to disclose
documents so provided, the county auditor shall not disclose
such documents;

(10) Providing to a county auditor sales or use tax return
or audit information under section 333.06 of the Revised Code;

(11) Subject to section 4301.441 of the Revised Code,
disclosing to the appropriate state agency information in the
possession of the department of taxation that is necessary to
verify a permit holder's gallonage or noncompliance with taxes
levied under Chapter 4301. or 4305. of the Revised Code;

(12) Disclosing to the department of natural resources
information in the possession of the department of taxation that
is necessary for the department of taxation to verify the
taxpayer's compliance with section 5749.02 of the Revised Code
or to allow the department of natural resources to enforce
Chapter 1509. of the Revised Code;

(13) Disclosing to the department of job and family
services, industrial commission, and bureau of workers'
compensation information in the possession of the department of
taxation solely for the purpose of identifying employers that
misclassify employees as independent contractors or that fail to
properly report and pay employer tax liabilities. The department
of taxation shall disclose only such information that is
necessary to verify employer compliance with law administered by
those agencies.

(14) Disclosing to the Ohio casino control commission
information in the possession of the department of taxation that
is necessary to verify a casino operator's compliance with
section 5747.063 or 5753.02 of the Revised Code and sections
related thereto;

(15) Disclosing to the state lottery commission
information in the possession of the department of taxation that
is necessary to verify a sports gaming or lottery sales agent's
compliance with section 5747.063, 5747.064, or 5753.021 of the
Revised Code and sections related thereto.

(16) Disclosing to the development services agency
information in the possession of the department of taxation that
is necessary to ensure compliance with the laws of this state
governing taxation and to verify information reported to the
development services agency for the purpose of evaluating
potential tax credits, grants, or loans. Such information shall
not include information received from the internal revenue
service the disclosure of which is prohibited by section 6103 of
the Internal Revenue Code. No officer, employee, or agent of the
development services agency shall disclose any information
provided to the development services agency by the department of
taxation under division (C)(16) of this section except when
disclosure of the information is necessary for, and made solely
for the purpose of facilitating, the evaluation of potential tax
credits, grants, or loans.

(17) Disclosing to the department of insurance information in the possession of the department of taxation that is necessary to ensure a taxpayer's compliance with the requirements with any tax credit administered by the development services agency and claimed by the taxpayer against any tax administered by the superintendent of insurance. No officer, employee, or agent of the department of insurance shall disclose any information provided to the department of insurance by the department of taxation under division (C)(17) of this section.

(18) Disclosing to the division of liquor control information in the possession of the department of taxation that is necessary for the division and department to comply with the requirements of sections 4303.26 and 4303.271 of the Revised Code.

Sec. 5747.02. (A) For the purpose of providing revenue for the support of schools and local government functions, to provide relief to property taxpayers, to provide revenue for the general revenue fund, and to meet the expenses of administering the tax levied by this chapter, there is hereby levied on every individual, trust, and estate residing in or earning or receiving income in this state, on every individual, trust, and estate earning or receiving lottery winnings, prizes, or awards pursuant to Chapter 3770. of the Revised Code, on every individual, trust, and estate earning or receiving winnings on casino or sports gaming, and on every individual, trust, and estate otherwise having nexus with or in this state under the Constitution of the United States, an annual tax measured as prescribed in divisions (A)(1) to (4) of this section.

(1) In the case of trusts, the tax imposed by this section
shall be measured by modified Ohio taxable income under division (D) of this section and levied in the same amount as the tax is imposed on estates as prescribed in division (A)(2) of this section.

(2) In the case of estates, the tax imposed by this section shall be measured by Ohio taxable income and levied at the rate of seven thousand four hundred twenty-five ten-thousandths per cent for the first ten thousand five hundred dollars of such income and, for income in excess of that amount, at the same rates prescribed in division (A)(3) of this section for individuals.

(3) In the case of individuals, for taxable years beginning in 2017 or thereafter, the tax imposed by this section on income other than taxable business income shall be measured by Ohio adjusted gross income, less taxable business income and less an exemption for the taxpayer, the taxpayer's spouse, and each dependent as provided in section 5747.025 of the Revised Code. If the balance thus obtained is equal to or less than ten thousand five hundred dollars, no tax shall be imposed on that balance. If the balance thus obtained is greater than ten thousand five hundred dollars, the tax is hereby levied as follows:

| OHIO ADJUSTED GROSS | 2199 |
| INCOME LESS TAXABLE | 2200 |
| BUSINESS INCOME AND EXEMPTIONS | 2201 |
| (INDIVIDUALS) | 2202 |
| OR | 2203 |
| MODIFIED OHIO TAXABLE INCOME (TRUSTS) | 2204 |
| OR | 2205 |
| | 2206 |
| | 2207 |
| | 2208 |
| | 2209 |
OHIO TAXABLE INCOME (ESTATES)    TAX

More than $10,500 but $77.96 plus 1.980% of the amount not more than $15,800 in excess of $10,500

More than $15,800 but $182.90 plus 2.476% of the amount not more than $21,100 in excess of $15,800

More than $21,100 but $314.13 plus 2.969% of the amount not more than $42,100 in excess of $21,100

More than $42,100 but $937.62 plus 3.465% of the amount not more than $84,200 in excess of $42,100

More than $84,200 but $2,396.39 plus 3.960% of the amount not more than $105,300 in excess of $84,200

More than $105,300 but $3,231.95 plus 4.597% of the amount not more than $210,600 in excess of $105,300

More than $210,600 $8,072.59 plus 4.997% of the amount in excess of $210,600

(4)(a) In the case of individuals, for taxable years beginning in 2016 or thereafter, the tax imposed by this section on taxable business income shall equal three per cent of the result obtained by subtracting any amount allowed under division (A)(4)(b) of this section from the individual's taxable business income.

(b) If the exemptions allowed to an individual under division (A)(3) of this section exceed the taxpayer's Ohio adjusted gross income less taxable business income, the excess shall be deducted from taxable business income before computing the tax under division (A)(4)(a) of this section.

(5) Except as otherwise provided in this division, in
August of each year, the tax commissioner shall make a new adjustment to the income amounts prescribed in divisions (A)(2) and (3) of this section by multiplying the percentage increase in the gross domestic product deflator computed that year under section 5747.025 of the Revised Code by each of the income amounts resulting from the adjustment under this division in the preceding year, adding the resulting product to the corresponding income amount resulting from the adjustment in the preceding year, and rounding the resulting sum to the nearest multiple of fifty dollars. The tax commissioner also shall recompute each of the tax dollar amounts to the extent necessary to reflect the new adjustment of the income amounts. To recompute the tax dollar amount corresponding to the lowest tax rate in division (A)(3) of this section, the commissioner shall multiply the tax rate prescribed in division (A)(2) of this section by the income amount specified in that division and as adjusted according to this paragraph. The rates of taxation shall not be adjusted.

The adjusted amounts apply to taxable years beginning in the calendar year in which the adjustments are made and to taxable years beginning in each ensuing calendar year until a calendar year in which a new adjustment is made pursuant to this division. The tax commissioner shall not make a new adjustment in any year in which the amount resulting from the adjustment would be less than the amount resulting from the adjustment in the preceding year.

(B) If the director of budget and management makes a certification to the tax commissioner under division (B) of section 131.44 of the Revised Code, the amount of tax as determined under divisions (A)(1) to (3) of this section shall be reduced by the percentage prescribed in that certification.
for taxable years beginning in the calendar year in which that certification is made.

(C) The levy of this tax on income does not prevent a municipal corporation, a joint economic development zone created under section 715.691, or a joint economic development district created under section 715.70, 715.71, or 715.72 of the Revised Code from levying a tax on income.

(D) This division applies only to taxable years of a trust beginning in 2002 or thereafter.

(1) The tax imposed by this section on a trust shall be computed by multiplying the Ohio modified taxable income of the trust by the rates prescribed by division (A) of this section.

(2) A resident trust may claim a credit against the tax computed under division (D) of this section equal to the lesser of (a) the tax paid to another state or the District of Columbia on the resident trust's modified nonbusiness income, other than the portion of the resident trust's nonbusiness income that is qualifying investment income as defined in section 5747.012 of the Revised Code, or (b) the effective tax rate, based on modified Ohio taxable income, multiplied by the resident trust's modified nonbusiness income other than the portion of the resident trust's nonbusiness income that is qualifying investment income. The credit applies before any other applicable credits.

(3) The credits enumerated in divisions (A)(1) to (9) and (A)(18) to (20) of section 5747.98 of the Revised Code do not apply to a trust subject to division (D) of this section. Any credits enumerated in other divisions of section 5747.98 of the Revised Code apply to a trust subject to division (D) of this
section. To the extent that the trust distributes income for the taxable year for which a credit is available to the trust, the credit shall be shared by the trust and its beneficiaries. The tax commissioner and the trust shall be guided by applicable regulations of the United States treasury regarding the sharing of credits.

(E) For the purposes of this section, "trust" means any trust described in Subchapter J of Chapter 1 of the Internal Revenue Code, excluding trusts that are not irrevocable as defined in division (I)(3)(b) of section 5747.01 of the Revised Code and that have no modified Ohio taxable income for the taxable year, charitable remainder trusts, qualified funeral trusts and preneed funeral contract trusts established pursuant to sections 4717.31 to 4717.38 of the Revised Code that are not qualified funeral trusts, endowment and perpetual care trusts, qualified settlement trusts and funds, designated settlement trusts and funds, and trusts exempted from taxation under section 501(a) of the Internal Revenue Code.

(F) Nothing in division (A)(3) of this section shall prohibit an individual with an Ohio adjusted gross income, less taxable business income and exemptions, of ten thousand five hundred dollars or less from filing a return under this chapter to receive a refund of taxes withheld or to claim any refundable credit allowed under this chapter.

Sec. 5747.063. The requirements imposed under this section are in addition to the municipal income tax withholding requirements under section 718.031 of the Revised Code. As used in this section, "sports gaming facility" has the same meaning as in section 3770.30 of the Revised Code.

(A)(1) If a person's winnings at a casino facility
gaming or from sports gaming are an amount for which reporting
to the internal revenue service of the amount is required by
section 6041 of the Internal Revenue Code, as amended, the a
casino operator shall deduct and withhold Ohio income tax from
the person's winnings at a rate of four per cent of the amount
won. A person's amount of winnings from casino gaming shall be
determined each time the person exchanges amounts won in tokens,
chips, casino credit, or other prepaid representations of value
for cash or a cash equivalent. The casino operator shall issue,
to a person from whose winnings an amount has been deducted and
withheld, a receipt for the amount deducted and withheld, and
also shall obtain from the person additional information that
will be necessary for the casino operator to prepare the returns
required by this section.

(2) If a person's winnings at a from casino facility
gaming or sports gaming require reporting to the internal
revenue service under division (A)(1) of this section, the
casino operator also shall require the person to state in
writing, under penalty of falsification, whether the person is
in default under a support order.

(B) Amounts deducted and withheld by a casino operator are
held in trust for the benefit of the state.

(1) On or before the tenth day of each month, the casino
operator shall file a return electronically with the tax
commissioner identifying the persons from whose winnings amounts
were deducted and withheld, the amount of each such deduction
and withholding during the preceding calendar month, the amount
of the winnings from which each such amount was withheld, the
type of casino gaming or sports gaming that resulted in such
winnings, and any other information required by the tax
commissioner. With the return, the casino operator shall remit electronically to the commissioner all the amounts deducted and withheld during the preceding month.

(2)(a) A casino operator shall maintain a record of each written statement provided under division (A)(2) of this section in which a person admits to being in default under a support order. The casino operator shall make these records available to the director of job and family services upon request.

(b) A casino operator shall maintain copies of receipts issued under division (A)(1) of this section and of written statements provided under division (A)(2) of this section and shall make these copies available to the tax commissioner upon request.

(c) A casino operator shall maintain the information described in divisions (B)(2)(a) and (b) of this section in accordance with section 5747.17 of the Revised Code and any rules adopted pursuant thereto.

(3) Annually, on or before the thirty-first day of January, a casino operator shall file an annual return electronically with the tax commissioner indicating the total amount deducted and withheld during the preceding calendar year. The casino operator shall remit electronically with the annual return any amount that was deducted and withheld and that was not previously remitted. If the identity of a person and the amount deducted and withheld with respect to that person were omitted on a monthly return, that information shall be indicated on the annual return.

(4)(a) A casino operator who fails to file a return and remit the amounts deducted and withheld is personally liable for
the amount deducted and withheld and not remitted. The commissioner may impose a penalty up to one thousand dollars if a return is filed late, if amounts deducted and withheld are remitted late, if a return is not filed, or if amounts deducted and withheld are not remitted. Interest accrues on past due amounts deducted and withheld at the rate prescribed in section 5703.47 of the Revised Code. The commissioner may collect past due amounts deducted and withheld and penalties and interest thereon by assessment under section 5747.13 of the Revised Code as if they were income taxes collected by an employer.

(b) If a casino operator sells the casino facility or sports gaming facility, or otherwise quits the casino or sports gaming business, the amounts deducted and withheld and any penalties and interest thereon are immediately due and payable. The successor shall withhold an amount of the purchase money that is sufficient to cover the amounts deducted and withheld and penalties and interest thereon until the predecessor casino operator produces either a receipt from the commissioner showing that the amounts deducted and withheld and penalties and interest thereon have been paid or a certificate from the commissioner indicating that no amounts deducted and withheld or penalties and interest thereon are due. If the successor fails to withhold purchase money, the successor is personally liable for payment of the amounts deducted and withheld and penalties and interest thereon, up to the amount of the purchase money.

(C)(1) Annually, on or before the thirty-first day of January, a casino operator shall issue an information return to each person with respect to whom an amount has been deducted and withheld during the preceding calendar year. The information return shall show the total amount deducted from the person’s winnings by the casino operator during the preceding calendar
(2) Annually, on or before the thirty-first day of January, a casino operator shall provide to the commissioner a copy of each information return issued under division (C)(1) of this section for the preceding calendar year. The commissioner may require that the copies be transmitted electronically.

(D) Amounts deducted and withheld shall be allowed as a credit against payment of the tax imposed by section 5747.02 of the Revised Code and shall be treated as taxes paid for purposes of section 5747.09 of the Revised Code. This division applies only to the person for whom the amount is deducted and withheld.

(E) The failure of a casino operator to deduct and withhold the required amount from a person's winnings does not relieve the person from liability for the tax imposed by section 5747.02 of the Revised Code with respect to those winnings. And compliance with this section does not relieve a casino operator or a person who has winnings from compliance with relevant provisions of federal tax laws.

(F) The commissioner shall prescribe the form of the receipt and returns required by this section. The director of job and family services shall prescribe the form of the statement required by this section.

(G) The commissioner may adopt rules that are necessary to administer this section.

Sec. 5747.064. The requirements imposed under this section are in addition to the municipal income tax withholding requirements under section 718.031 of the Revised Code.

(A) As used in this section, "video lottery terminal" has
the same meaning as in section 3770.21 of the Revised Code and "sports gaming facility" has the same meaning as in section 3770.30 of the Revised Code.

(B) If a person's winnings from sports gaming or prize award from a video lottery terminal is an amount for which reporting to the internal revenue service of the amount is required by section 6041 of the Internal Revenue Code, as amended, the lottery sales agent shall deduct and withhold Ohio income tax from the person's winnings or prize award at a rate of four per cent of the amount won. The lottery sales agent shall issue, to a person from whose winnings or prize award an amount has been deducted or withheld, a receipt for the amount deducted and withheld, and also shall obtain from the person additional information that will be necessary for the lottery sales agent to prepare the returns required by this section.

(C) Amounts deducted and withheld by a lottery sales agent are held in trust for the benefit of the state.

(1) On or before the tenth day of each month, the lottery sales agent shall file a return electronically with the tax commissioner identifying the persons from whose winnings or prize awards amounts were deducted and withheld, the amount of each such deduction and withholding during the preceding month, the amount of the winnings or prize award from which each such amount was withheld, and any other information required by the commissioner. With the return, the lottery sales agent shall remit electronically to the commissioner all the amounts deducted and withheld during the preceding month.

(2) A lottery sales agent shall maintain a record of all receipts issued under division (B) of this section and shall make those records available to the commissioner upon request.
Such records shall be maintained in accordance with section 5747.17 of the Revised Code and any rules adopted pursuant thereto.

(3) Annually, on or before the thirty-first day of January, a lottery sales agent shall file an annual return electronically with the tax commissioner indicating the total amount deducted and withheld during the preceding calendar year. The lottery sales agent shall remit electronically with the annual return any amount that was deducted and withheld and that was not previously remitted. If the identity of a person and the amount deducted and withheld with respect to that person were omitted on a monthly return, that information shall be indicated on the annual return.

(4)(a) A lottery sales agent who fails to file a return and remit the amounts deducted and withheld is personally liable for the amount deducted and withheld and not remitted. The commissioner may impose a penalty of up to one thousand dollars if a return is filed late, if amounts deducted and withheld are remitted late, if a return is not filed, or if amounts deducted and withheld are not remitted. Interest accrues on past due amounts deducted and withheld at the rate prescribed in section 5703.47 of the Revised Code. The commissioner may collect past due amounts deducted and withheld and penalties and interest thereon by assessment under section 5747.13 of the Revised Code as if they were income taxes collected by an employer.

(b) If a lottery sales agent ceases to operate video lottery terminals, sells a sports gaming facility, or otherwise quits the sports gaming business, the amounts deducted and withheld and any penalties and interest thereon are immediately due and payable. A successor of the lottery sales agent
purchases the video lottery terminals from the agent shall
withhold an amount of the purchase money that is sufficient to
cover the amounts deducted and withheld and penalties and
interest thereon until the predecessor lottery sales agent
produces either a receipt from the tax commissioner showing that
the amounts deducted and withheld and penalties and interest
thereon have been paid or a certificate from the commissioner
indicating that no amounts deducted and withheld or penalties
and interest thereon are due. If the successor fails to withhold
purchase money, the successor is personally liable for payment
of the amounts deducted and withheld and penalties and interest
thereon, up to the amount of the purchase money.

(D)(1) Annually, on or before the thirty-first day of
January, a lottery sales agent shall issue an information return
to each person with respect to whom an amount has been deducted
and withheld during the preceding calendar year. The information
return shall show the total amount deducted from the person's
winnings or prize award by the lottery sales agent during the
preceding year.

(2) Annually, on or before the thirty-first day of
January, a lottery sales agent shall provide to the tax
commissioner a copy of each information return issued under
division (D)(1) of this section for the preceding calendar year.
The commissioner may require that such copies be transmitted
electronically.

(E) Amounts deducted and withheld shall be allowed as a
credit against payment of the tax imposed by section 5747.02 of
the Revised Code and shall be treated as taxes paid for purposes
of section 5747.09 of the Revised Code. This division applies
only to the person for whom the amount is deducted and withheld.
(F) The failure of a lottery sales agent to deduct and withhold the required amount from a person's winnings or prize award does not relieve the person from liability for the tax imposed by section 5747.02 of the Revised Code with respect to that income. Compliance with this section does not relieve a lottery sales agent or a person who has winnings or a prize award from compliance with relevant provisions of federal tax laws.

(G) The commissioner shall prescribe the form of the receipt and returns required by this section and may promulgate any rules necessary to administer the section.

Sec. 5747.08. An annual return with respect to the tax imposed by section 5747.02 of the Revised Code and each tax imposed under Chapter 5748. of the Revised Code shall be made by every taxpayer for any taxable year for which the taxpayer is liable for the tax imposed by that section or under that chapter, unless the total credits allowed under division (E) of section 5747.05 and divisions (F) and (G) of section 5747.055 of the Revised Code for the year are equal to or exceed the tax imposed by section 5747.02 of the Revised Code, in which case no return shall be required unless the taxpayer is liable for a tax imposed pursuant to Chapter 5748. of the Revised Code.

(A) If an individual is deceased, any return or notice required of that individual under this chapter shall be made and filed by that decedent's executor, administrator, or other person charged with the property of that decedent.

(B) If an individual is unable to make a return or notice required by this chapter, the return or notice required of that individual shall be made and filed by the individual's duly authorized agent, guardian, conservator, fiduciary, or other
person charged with the care of the person or property of that individual.

(C) Returns or notices required of an estate or a trust shall be made and filed by the fiduciary of the estate or trust.

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) of this section, any pass-through entity may file a single return on behalf of one or more of the entity's investors other than an investor that is a person subject to the tax imposed under section 5733.06 of the Revised Code. The single return shall set forth the name, address, and social security number or other identifying number of each of those pass-through entity investors and shall indicate the distributive share of each of those pass-through entity investor's income taxable in this state in accordance with sections 5747.20 to 5747.231 of the Revised Code. Such pass-through entity investors for whom the pass-through entity elects to file a single return are not entitled to the exemption or credit provided for by sections 5747.02 and 5747.022 of the Revised Code; shall calculate the tax before business credits at the highest rate of tax set forth in section 5747.02 of the Revised Code for the taxable year for which the return is filed; and are entitled to only their distributive share of the business credits as defined in division (D)(2) of this section. A single check drawn by the pass-through entity shall accompany the return in full payment of the tax due, as shown on the single return, for such investors, other than investors who are persons subject to the tax imposed under section 5733.06 of the Revised Code.

(b)(i) A pass-through entity shall not include in such a single return any investor that is a trust to the extent that any direct or indirect current, future, or contingent
beneficiary of the trust is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(ii) A pass-through entity shall not include in such a single return any investor that is itself a pass-through entity to the extent that any direct or indirect investor in the second pass-through entity is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(c) Nothing in division (D) of this section precludes the tax commissioner from requiring such investors to file the return and make the payment of taxes and related interest, penalty, and interest penalty required by this section or section 5747.02, 5747.09, or 5747.15 of the Revised Code. Nothing in division (D) of this section precludes such an investor from filing the annual return under this section, utilizing the refundable credit equal to the investor's proportionate share of the tax paid by the pass-through entity on behalf of the investor under division (I) of this section, and making the payment of taxes imposed under section 5747.02 of the Revised Code. Nothing in division (D) of this section shall be construed to provide to such an investor or pass-through entity any additional deduction or credit, other than the credit provided by division (I) of this section, solely on account of the entity's filing a return in accordance with this section. Such a pass-through entity also shall make the filing and payment of estimated taxes on behalf of the pass-through entity investors other than an investor that is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(2) For the purposes of this section, "business credits" means the credits listed in section 5747.98 of the Revised Code excluding the following credits:
(a) The retirement income credit under division (B) of section 5747.055 of the Revised Code;
(b) The senior citizen credit under division (F) of section 5747.055 of the Revised Code;
(c) The lump sum distribution credit under division (G) of section 5747.055 of the Revised Code;
(d) The dependent care credit under section 5747.054 of the Revised Code;
(e) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;
(f) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;
(g) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;
(h) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;
(i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;
(j) The joint filing credit under division (E) of section 5747.05 of the Revised Code;
(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;
(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;
(m) The earned income tax credit under section 5747.71 of the Revised Code.
(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any deduction or credit that would not be allowable if a nonresident pass-through entity investor were to file an annual return.

(4) If a pass-through entity makes the election provided for under division (D) of this section, the pass-through entity shall be liable for any additional taxes, interest, interest penalty, or penalties imposed by this chapter if the tax commissioner finds that the single return does not reflect the correct tax due by the pass-through entity investors covered by that return. Nothing in this division shall be construed to limit or alter the liability, if any, imposed on pass-through entity investors for unpaid or underpaid taxes, interest, interest penalty, or penalties as a result of the pass-through entity's making the election provided for under division (D) of this section. For the purposes of division (D) of this section, "correct tax due" means the tax that would have been paid by the pass-through entity had the single return been filed in a manner reflecting the commissioner's findings. Nothing in division (D) of this section shall be construed to make or hold a pass-through entity liable for tax attributable to a pass-through entity investor's income from a source other than the pass-through entity electing to file the single return.

(E) If a husband and wife file a joint federal income tax return for a taxable year, they shall file a joint return under this section for that taxable year, and their liabilities are joint and several, but, if the federal income tax liability of
either spouse is determined on a separate federal income tax
return, they shall file separate returns under this section.

If either spouse is not required to file a federal income
tax return and either or both are required to file a return
pursuant to this chapter, they may elect to file separate or
joint returns, and, pursuant to that election, their liabilities
are separate or joint and several. If a husband and wife file
separate returns pursuant to this chapter, each must claim the
taxpayer's own exemption, but not both, as authorized under
section 5747.02 of the Revised Code on the taxpayer's own
return.

(F) Each return or notice required to be filed under this
section shall contain the signature of the taxpayer or the
taxpayer's duly authorized agent and of the person who prepared
the return for the taxpayer, and shall include the taxpayer's
social security number. Each return shall be verified by a
declaration under the penalties of perjury. The tax commissioner
shall prescribe the form that the signature and declaration
shall take.

(G) Each return or notice required to be filed under this
section shall be made and filed as required by section 5747.04
of the Revised Code, on or before the fifteenth day of April of
each year, on forms that the tax commissioner shall prescribe,
together with remittance made payable to the treasurer of state
in the combined amount of the state and all school district
income taxes shown to be due on the form.

Upon good cause shown, the commissioner may extend the
period for filing any notice or return required to be filed
under this section and may adopt rules relating to extensions.
If the extension results in an extension of time for the payment
of any state or school district income tax liability with respect to which the return is filed, the taxpayer shall pay at the time the tax liability is paid an amount of interest computed at the rate per annum prescribed by section 5703.47 of the Revised Code on that liability from the time that payment is due without extension to the time of actual payment. Except as provided in section 5747.132 of the Revised Code, in addition to all other interest charges and penalties, all taxes imposed under this chapter or Chapter 5748. of the Revised Code and remaining unpaid after they become due, except combined amounts due of one dollar or less, bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code until paid or until the day an assessment is issued under section 5747.13 of the Revised Code, whichever occurs first.

If the commissioner considers it necessary in order to ensure the payment of the tax imposed by section 5747.02 of the Revised Code or any tax imposed under Chapter 5748. of the Revised Code, the commissioner may require returns and payments to be made otherwise than as provided in this section.

To the extent that any provision in this division conflicts with any provision in section 5747.026 of the Revised Code, the provision in that section prevails.

(H) The amounts withheld by an employer pursuant to section 5747.06 of the Revised Code, a casino operator or sports gaming agent pursuant to section 5747.063 of the Revised Code, or a lottery sales agent pursuant to section 5747.064 of the Revised Code shall be allowed to the recipient of the compensation, casino or sports gaming winnings, or lottery prize award as credits against payment of the appropriate taxes imposed on the recipient by section 5747.02 and under Chapter
If a pass-through entity elects to file a single
return under division (D) of this section and if any investor is
required to file the annual return and make the payment of taxes
required by this chapter on account of the investor's other
income that is not included in a single return filed by a pass-
through entity or any other investor elects to file the annual
return, the investor is entitled to a refundable credit equal to
the investor's proportionate share of the tax paid by the pass-
through entity on behalf of the investor. The investor shall
claim the credit for the investor's taxable year in which or
with which ends the taxable year of the pass-through entity.
Nothing in this chapter shall be construed to allow any credit
provided in this chapter to be claimed more than once. For the
purpose of computing any interest, penalty, or interest penalty,
the investor shall be deemed to have paid the refundable credit
provided by this division on the day that the pass-through
entity paid the estimated tax or the tax giving rise to the
credit.

The tax commissioner shall ensure that each return
required to be filed under this section includes a box that the
taxpayer may check to authorize a paid tax preparer who prepared
the return to communicate with the department of taxation about
matters pertaining to the return. The return or instructions
accompanying the return shall indicate that by checking the box
the taxpayer authorizes the department of taxation to contact
the preparer concerning questions that arise during the
processing of the return and authorizes the preparer only to
provide the department with information that is missing from the
return, to contact the department for information about the
processing of the return or the status of the taxpayer's refund.
or payments, and to respond to notices about mathematical errors, offsets, or return preparation that the taxpayer has received from the department and has shown to the preparer.

(K) The tax commissioner shall permit individual taxpayers to instruct the department of taxation to cause any refund of overpaid taxes to be deposited directly into a checking account, savings account, or an individual retirement account or individual retirement annuity, or preexisting college savings plan or program account offered by the Ohio tuition trust authority under Chapter 3334. of the Revised Code, as designated by the taxpayer, when the taxpayer files the annual return required by this section electronically.

(L) The tax commissioner may adopt rules to administer this section.

Sec. 5747.20. This section applies solely for the purposes of computing the credit allowed under division (A) of section 5747.05 of the Revised Code and computing income taxable in this state under division (D) of section 5747.08 of the Revised Code.

All items of nonbusiness income or deduction shall be allocated in this state as follows:

(A) All items of nonbusiness income or deduction taken into account in the computation of adjusted gross income for the taxable year by a resident shall be allocated to this state.

(B) All items of nonbusiness income or deduction taken into account in the computation of adjusted gross income for the taxable year by a nonresident shall be allocated to this state as follows:

(1) All items of compensation paid to an individual for personal services performed in this state who was a nonresident

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at the time of payment and all items of deduction directly
allocated thereto shall be allocated to this state.

(2) All gains or losses from the sale of real property,
tangible personal property, or intangible property shall be
allocated as follows:

(a) Capital gains or losses from the sale or other
transfer of real property are allocable to this state if the
property is located physically in this state.

(b) Capital gains or losses from the sale or other
transfer of tangible personal property are allocable to this
state if, at the time of such sale or other transfer, the
property had its physical location in this state.

(c) Capital gains or losses from the sale or other
transfer of intangible personal property are allocable to this
state if the taxpayer's domicile was in this state at the time
of such sale or other transfer.

(3) All rents and royalties of real or tangible personal
property shall be allocated to this state as follows:

(a) Rents and royalties derived from real property are
allocable to this state if the property is physically located in
this state.

(b) Rents and royalties derived from tangible personal
property are allocable to this state to the extent that such
property is utilized in this state.

The extent of utilization of tangible personal property in
a state is determined by multiplying the rents or royalties
derived from such property by a fraction, the numerator of which
is the number of days of physical location of the property in
this state during the rental or royalty period in the taxable year and the denominator of which is the number of days of physical location of the property everywhere during all rental or royalty periods in the taxable year. If the physical location of the property during the rental or royalty period is unknown or unascertainable by the nonresident, tangible personal property is utilized in the state in which the property was located at the time the rental or royalty payor obtained possession.

(4) All patent and copyright royalties shall be allocated to this state to the extent the patent or copyright was utilized by the payor in this state.

A patent is utilized in a state to the extent that it is employed in production, fabrication, manufacturing, or other processing in the state, or to the extent that a patented product is produced in the state. If the basis of receipts from patent royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the patent is utilized in this state if the taxpayer's domicile was in this state at the time such royalties were paid or accrued.

A copyright is utilized in a state to the extent that printing or other publication originates in the state. If the basis of receipts from copyright royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the copyright is utilized in this state if the taxpayer's domicile was in this state at the time such royalties were paid or accrued.

(5)(a) All lottery prize awards paid by the state lottery commission pursuant to Chapter 3770. of the Revised Code shall be allocated to this state.
(b) All earnings, profit, income, and gain from the sale, exchange, or other disposition of lottery prize awards paid or to be paid to any person by the state lottery commission pursuant to Chapter 3770. of the Revised Code shall be allocated to this state.

(c) All earnings, profit, income, and gain from the direct or indirect ownership of lottery prize awards paid or to be paid to any person by the state lottery commission pursuant to Chapter 3770. of the Revised Code shall be allocated to this state.

(d) All earnings, profit, income, and gain from the direct or indirect interest in any right in or to any lottery prize awards paid or to be paid to any person by the state lottery commission pursuant to Chapter 3770. of the Revised Code shall be allocated to this state.

(6) Any item of income or deduction which has been taken into account in the computation of adjusted gross income for the taxable year by a nonresident and which is not otherwise specifically allocated or apportioned pursuant to sections 5747.20 to 5747.23 of the Revised Code, including, without limitation, interest, dividends and distributions, items of income taken into account under the provisions of sections 401 to 425 of the Internal Revenue Code, and benefit payments received by a beneficiary of a supplemental unemployment trust which is referred to in section 501(c)(17) of the Internal Revenue Code, shall not be allocated to this state unless the taxpayer's domicile was in this state at the time such income was paid or accrued.

(7) All casino gaming winnings paid by any person licensed by the Ohio casino control commission shall be allocated to the
state.

(8) All sports gaming winnings paid by any person licensed by the state lottery commission shall be allocated to the state.

(C) If an individual is a resident for part of the taxable year and a nonresident for the remainder of the taxable year, all items of nonbusiness income or deduction shall be allocated under division (A) of this section for the part of the taxable year that the individual is a resident and under division (B) of this section for the part of the taxable year that the individual is a nonresident.

Sec. 5751.01. As used in this chapter:

(A) "Person" means, but is not limited to, individuals, combinations of individuals of any form, receivers, assignees, trustees in bankruptcy, firms, companies, joint-stock companies, business trusts, estates, partnerships, limited liability partnerships, limited liability companies, associations, joint ventures, clubs, societies, for-profit corporations, S corporations, qualified subchapter S subsidiaries, qualified subchapter S trusts, trusts, entities that are disregarded for federal income tax purposes, and any other entities.

(B) "Consolidated elected taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter as the result of an election made under section 5751.011 of the Revised Code.

(C) "Combined taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter under section 5751.012 of the Revised Code.

(D) "Taxpayer" means any person, or any group of persons in the case of a consolidated elected taxpayer or combined
taxpayer treated as one taxpayer, required to register or pay tax under this chapter. "Taxpayer" does not include excluded persons.

(E) "Excluded person" means any of the following:

(1) Any person with not more than one hundred fifty thousand dollars of taxable gross receipts during the calendar year. Division (E)(1) of this section does not apply to a person that is a member of a consolidated elected taxpayer;

(2) A public utility that paid the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter, except that a public utility that is a combined company is a taxpayer with regard to the following gross receipts:

(a) Taxable gross receipts directly attributed to a public utility activity, but not directly attributed to an activity that is subject to the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code;

(b) Taxable gross receipts that cannot be directly attributed to any activity, multiplied by a fraction whose numerator is the taxable gross receipts described in division (E)(2)(a) of this section and whose denominator is the total taxable gross receipts that can be directly attributed to any activity;

(c) Except for any differences resulting from the use of an accrual basis method of accounting for purposes of determining gross receipts under this chapter and the use of the cash basis method of accounting for purposes of determining gross receipts under section 5727.24 of the Revised Code, the
gross receipts directly attributed to the activity of a natural
gas company shall be determined in a manner consistent with
division (D) of section 5727.03 of the Revised Code.

As used in division (E)(2) of this section, "combined
companty" and "public utility" have the same meanings as in
section 5727.01 of the Revised Code.

(3) A financial institution, as defined in section 5726.01
of the Revised Code, that paid the tax imposed by section
5726.02 of the Revised Code based on one or more taxable years
that include the entire tax period under this chapter;

(4) A person directly or indirectly owned by one or more
financial institutions, as defined in section 5726.01 of the
Revised Code, that paid the tax imposed by section 5726.02 of
the Revised Code based on one or more taxable years that include
the entire tax period under this chapter.

For the purposes of division (E)(4) of this section, a
person owns another person under the following circumstances:

(a) In the case of corporations issuing capital stock, one
corporation owns another corporation if it owns fifty per cent
or more of the other corporation's capital stock with current
voting rights;

(b) In the case of a limited liability company, one person
owns the company if that person's membership interest, as
defined in section 1705.01 of the Revised Code, is fifty per
cent or more of the combined membership interests of all persons
owning such interests in the company;

(c) In the case of a partnership, trust, or other
unincorporated business organization other than a limited
liability company, one person owns the organization if, under
the articles of organization or other instrument governing the affairs of the organization, that person has a beneficial interest in the organization's profits, surpluses, losses, or distributions of fifty per cent or more of the combined beneficial interests of all persons having such an interest in the organization.

(5) A domestic insurance company or foreign insurance company, as defined in section 5725.01 of the Revised Code, that paid the insurance company premiums tax imposed by section 5725.18 or Chapter 5729. of the Revised Code, or an unauthorized insurance company whose gross premiums are subject to tax under section 3905.36 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter;

(6) A person that solely facilitates or services one or more securitizations of phase-in-recovery property pursuant to a final financing order as those terms are defined in section 4928.23 of the Revised Code. For purposes of this division, "securitization" means transferring one or more assets to one or more persons and then issuing securities backed by the right to receive payment from the asset or assets so transferred.

(7) Except as otherwise provided in this division, a pre-income tax trust as defined in division (FF)(4) of section 5747.01 of the Revised Code and any pass-through entity of which such pre-income tax trust owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests. If the pre-income tax trust has made a qualifying pre-income tax trust election under division (FF)(3) of section 5747.01 of the Revised Code, then the trust and the pass-through entities of
which it owns or controls, directly, indirectly, or constructively through related interests, more than five percent of the ownership or equity interests, shall not be excluded persons for purposes of the tax imposed under section 5751.02 of the Revised Code.

(8) Nonprofit organizations or the state and its agencies, instrumentalities, or political subdivisions.

(F) Except as otherwise provided in divisions (F)(2), (3), and (4) of this section, "gross receipts" means the total amount realized by a person, without deduction for the cost of goods sold or other expenses incurred, that contributes to the production of gross income of the person, including the fair market value of any property and any services received, and any debt transferred or forgiven as consideration.

(1) The following are examples of gross receipts:

(a) Amounts realized from the sale, exchange, or other disposition of the taxpayer's property to or with another;

(b) Amounts realized from the taxpayer's performance of services for another;

(c) Amounts realized from another's use or possession of the taxpayer's property or capital;

(d) Any combination of the foregoing amounts.

(2) "Gross receipts" excludes the following amounts:

(a) Interest income except interest on credit sales;

(b) Dividends and distributions from corporations, and distributive or proportionate shares of receipts and income from a pass-through entity as defined under section 5733.04 of the
Revised Code;

(c) Receipts from the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code, without regard to the length of time the person held the asset. Notwithstanding section 1221 of the Internal Revenue Code, receipts from hedging transactions also are excluded to the extent the transactions are entered into primarily to protect a financial position, such as managing the risk of exposure to (i) foreign currency fluctuations that affect assets, liabilities, profits, losses, equity, or investments in foreign operations; (ii) interest rate fluctuations; or (iii) commodity price fluctuations. As used in division (F)(2)(c) of this section, "hedging transaction" has the same meaning as used in section 1221 of the Internal Revenue Code and also includes transactions accorded hedge accounting treatment under statement of financial accounting standards number 133 of the financial accounting standards board. For the purposes of division (F)(2)(c) of this section, the actual transfer of title of real or tangible personal property to another entity is not a hedging transaction.

(d) Proceeds received attributable to the repayment, maturity, or redemption of the principal of a loan, bond, mutual fund, certificate of deposit, or marketable instrument;

(e) The principal amount received under a repurchase agreement or on account of any transaction properly characterized as a loan to the person;

(f) Contributions received by a trust, plan, or other arrangement, any of which is described in section 501(a) of the Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 1, Subchapter (D) of the Internal Revenue Code applies;
(g) Compensation, whether current or deferred, and whether in cash or in kind, received or to be received by an employee, former employee, or the employee's legal successor for services rendered to or for an employer, including reimbursements received by or for an individual for medical or education expenses, health insurance premiums, or employee expenses, or on account of a dependent care spending account, legal services plan, any cafeteria plan described in section 125 of the Internal Revenue Code, or any similar employee reimbursement;

(h) Proceeds received from the issuance of the taxpayer's own stock, options, warrants, puts, or calls, or from the sale of the taxpayer's treasury stock;

(i) Proceeds received on the account of payments from insurance policies, except those proceeds received for the loss of business revenue;

(j) Gifts or charitable contributions received; membership dues received by trade, professional, homeowners', or condominium associations; and payments received for educational courses, meetings, meals, or similar payments to a trade, professional, or other similar association; and fundraising receipts received by any person when any excess receipts are donated or used exclusively for charitable purposes;

(k) Damages received as the result of litigation in excess of amounts that, if received without litigation, would be gross receipts;

(l) Property, money, and other amounts received or acquired by an agent on behalf of another in excess of the agent's commission, fee, or other remuneration;

(m) Tax refunds, other tax benefit recoveries, and
reimbursements for the tax imposed under this chapter made by entities that are part of the same combined taxpayer or consolidated elected taxpayer group, and reimbursements made by entities that are not members of a combined taxpayer or consolidated elected taxpayer group that are required to be made for economic parity among multiple owners of an entity whose tax obligation under this chapter is required to be reported and paid entirely by one owner, pursuant to the requirements of sections 5751.011 and 5751.012 of the Revised Code;

(n) Pension reversions;

(o) Contributions to capital;

(p) Sales or use taxes collected as a vendor or an out-of-state seller on behalf of the taxing jurisdiction from a consumer or other taxes the taxpayer is required by law to collect directly from a purchaser and remit to a local, state, or federal tax authority;

(q) In the case of receipts from the sale of cigarettes or tobacco products by a wholesale dealer, retail dealer, distributor, manufacturer, or seller, all as defined in section 5743.01 of the Revised Code, an amount equal to the federal and state excise taxes paid by any person on or for such cigarettes or tobacco products under subtitle E of the Internal Revenue Code or Chapter 5743. of the Revised Code;

(r) In the case of receipts from the sale, transfer, exchange, or other disposition of motor fuel as "motor fuel" is defined in section 5736.01 of the Revised Code, an amount equal to the value of the motor fuel, including federal and state motor fuel excise taxes and receipts from billing or invoicing the tax imposed under section 5736.02 of the Revised Code to
another person;

(s) In the case of receipts from the sale of beer or
intoxicating liquor, as defined in section 4301.01 of the
Revised Code, by a person holding a permit issued under Chapter
4301. or 4303. of the Revised Code, an amount equal to federal
and state excise taxes paid by any person on or for such beer or
intoxicating liquor under subtitle E of the Internal Revenue
Code or Chapter 4301. or 4305. of the Revised Code;

(t) Receipts realized by a new motor vehicle dealer or
used motor vehicle dealer, as defined in section 4517.01 of the
Revised Code, from the sale or other transfer of a motor
vehicle, as defined in that section, to another motor vehicle
dealer for the purpose of resale by the transferee motor vehicle
dealer, but only if the sale or other transfer was based upon
the transferee's need to meet a specific customer's preference
for a motor vehicle;

(u) Receipts from a financial institution described in
division (E)(3) of this section for services provided to the
financial institution in connection with the issuance,
processing, servicing, and management of loans or credit
accounts, if such financial institution and the recipient of
such receipts have at least fifty per cent of their ownership
interests owned or controlled, directly or constructively
through related interests, by common owners;

(v) Receipts realized from administering anti-neoplastic
drugs and other cancer chemotherapy, biologicals, therapeutic
agents, and supportive drugs in a physician's office to patients
with cancer;

(w) Funds received or used by a mortgage broker that is
not a dealer in intangibles, other than fees or other
consideration, pursuant to a table-funding mortgage loan or
warehouse-lending mortgage loan. Terms used in division (F)(2)
(w) of this section have the same meanings as in section 1322.01
of the Revised Code, except "mortgage broker" means a person
assisting a buyer in obtaining a mortgage loan for a fee or
other consideration paid by the buyer or a lender, or a person
engaged in table-funding or warehouse-lending mortgage loans
that are first lien mortgage loans.

(x) Property, money, and other amounts received by a
professional employer organization, as defined in section
4125.01 of the Revised Code, from a client employer, as defined
in that section, in excess of the administrative fee charged by
the professional employer organization to the client employer;

(y) In the case of amounts retained as commissions by a
permit holder under Chapter 3769. of the Revised Code, an amount
equal to the amounts specified under that chapter that must be
paid to or collected by the tax commissioner as a tax and the
amounts specified under that chapter to be used as purse money;

(z) Qualifying distribution center receipts.

(i) For purposes of division (F)(2)(z) of this section:

(I) "Qualifying distribution center receipts" means
receipts of a supplier from qualified property that is delivered
to a qualified distribution center, multiplied by a quantity
that equals one minus the Ohio delivery percentage. If the
qualified distribution center is a refining facility, "supplier"
includes all dealers, brokers, processors, sellers, vendors,
cosigners, and distributors of qualified property.

(II) "Qualified property" means tangible personal property
delivered to a qualified distribution center that is shipped to
that qualified distribution center solely for further shipping
by the qualified distribution center to another location in this
state or elsewhere or, in the case of gold, silver, platinum, or
palladium delivered to a refining facility solely for refining
to a grade and fineness acceptable for delivery to a registered
commodities exchange. "Further shipping" includes storing and
repackaging property into smaller or larger bundles, so long as
the property is not subject to further manufacturing or
processing. "Refining" is limited to extracting impurities from
gold, silver, platinum, or palladium through smelting or some
other process at a refining facility.

(III) "Qualified distribution center" means a warehouse, a
facility similar to a warehouse, or a refining facility in this
state that, for the qualifying year, is operated by a person
that is not part of a combined taxpayer group and that has a
qualifying certificate. All warehouses or facilities similar to
warehouses that are operated by persons in the same taxpayer
group and that are located within one mile of each other shall
be treated as one qualified distribution center. All refining
facilities that are operated by persons in the same taxpayer
group and that are located in the same or adjacent counties may
be treated as one qualified distribution center.

(IV) "Qualifying year" means the calendar year to which
the qualifying certificate applies.

(V) "Qualifying period" means the period of the first day
of July of the second year preceding the qualifying year through
the thirtieth day of June of the year preceding the qualifying
year.

(VI) "Qualifying certificate" means the certificate issued
by the tax commissioner after the operator of a distribution
center files an annual application with the commissioner. The
application and annual fee shall be filed and paid for each
qualified distribution center on or before the first day of
September before the qualifying year or within forty-five days
after the distribution center opens, whichever is later.

The applicant must substantiate to the commissioner's
satisfaction that, for the qualifying period, all persons
operating the distribution center have more than fifty per cent
of the cost of the qualified property shipped to a location such
that it would be sitused outside this state under the provisions
of division (E) of section 5751.033 of the Revised Code. The
applicant must also substantiate that the distribution center
cumulatively had costs from its suppliers equal to or exceeding
five hundred million dollars during the qualifying period. (For
purposes of division (F)(2)(z)(i)(VI) of this section,
"supplier" excludes any person that is part of the consolidated
elected taxpayer group, if applicable, of the operator of the
qualified distribution center.) The commissioner may require the
applicant to have an independent certified public accountant
certify that the calculation of the minimum thresholds required
for a qualified distribution center by the operator of a
distribution center has been made in accordance with generally
accepted accounting principles. The commissioner shall issue or
deny the issuance of a certificate within sixty days after the
receipt of the application. A denial is subject to appeal under
section 5717.02 of the Revised Code. If the operator files a
timely appeal under section 5717.02 of the Revised Code, the
operator shall be granted a qualifying certificate effective for
the remainder of the qualifying year or until the appeal is
finalized, whichever is earlier. If the operator does not
prevail in the appeal, the operator shall pay the ineligible operator's supplier tax liability.

(VII) "Ohio delivery percentage" means the proportion of the total property delivered to a destination inside Ohio from the qualified distribution center during the qualifying period compared with total deliveries from such distribution center everywhere during the qualifying period.

(VIII) "Refining facility" means one or more buildings located in a county in the Appalachian region of this state as defined by section 107.21 of the Revised Code and utilized for refining or smelting gold, silver, platinum, or palladium to a grade and fineness acceptable for delivery to a registered commodities exchange.

(IX) "Registered commodities exchange" means a board of trade, such as New York mercantile exchange, inc. or commodity exchange, inc., designated as a contract market by the commodity futures trading commission under the "Commodity Exchange Act," 7 U.S.C. 1 et seq., as amended.

(X) "Ineligible operator's supplier tax liability" means an amount equal to the tax liability of all suppliers of a distribution center had the distribution center not been issued a qualifying certificate for the qualifying year. Ineligible operator's supplier tax liability shall not include interest or penalties. The tax commissioner shall determine an ineligible operator's supplier tax liability based on information that the commissioner may request from the operator of the distribution center. An operator shall provide a list of all suppliers of the distribution center and the corresponding costs of qualified property for the qualifying year at issue within sixty days of a request by the commissioner under this division.
(ii)(I) If the distribution center is new and was not open for the entire qualifying period, the operator of the distribution center may request that the commissioner grant a qualifying certificate. If the certificate is granted and it is later determined that more than fifty per cent of the qualified property during that year was not shipped to a location such that it would be sitused outside of this state under the provisions of division (E) of section 5751.033 of the Revised Code or if it is later determined that the person that operates the distribution center had average monthly costs from its suppliers of less than forty million dollars during that year, then the operator of the distribution center shall pay the ineligible operator's supplier tax liability. (For purposes of division (F)(2)(z)(ii) of this section, "supplier" excludes any person that is part of the consolidated elected taxpayer group, if applicable, of the operator of the qualified distribution center.)

(II) The commissioner may grant a qualifying certificate to a distribution center that does not qualify as a qualified distribution center for an entire qualifying period if the operator of the distribution center demonstrates that the business operations of the distribution center have changed or will change such that the distribution center will qualify as a qualified distribution center within thirty-six months after the date the operator first applies for a certificate. If, at the end of that thirty-six-month period, the business operations of the distribution center have not changed such that the distribution center qualifies as a qualified distribution center, the operator of the distribution center shall pay the ineligible operator's supplier tax liability for each year that the distribution center received a certificate but did not
qualify as a qualified distribution center. For each year the
distribution center receives a certificate under division (F)(2)
(z)(ii)(II) of this section, the distribution center shall pay
all applicable fees required under division (F)(2)(z) of this
section and shall submit an updated business plan showing the
progress the distribution center made toward qualifying as a
qualified distribution center during the preceding year.

(III) An operator may appeal a determination under
division (F)(2)(z)(ii)(I) or (II) of this section that the
ineligible operator is liable for the operator's supplier tax
liability as a result of not qualifying as a qualified
distribution center, as provided in section 5717.02 of the
Revised Code.

(iii) When filing an application for a qualifying
certificate under division (F)(2)(z)(i)(VI) of this section, the
operator of a qualified distribution center also shall provide
documentation, as the commissioner requires, for the
commissioner to ascertain the Ohio delivery percentage. The
commissioner, upon issuing the qualifying certificate, also
shall certify the Ohio delivery percentage. The operator of the
qualified distribution center may appeal the commissioner's
certification of the Ohio delivery percentage in the same manner
as an appeal is taken from the denial of a qualifying
certificate under division (F)(2)(z)(i)(VI) of this section.

(iv)(I) In the case where the distribution center is new
and not open for the entire qualifying period, the operator
shall make a good faith estimate of an Ohio delivery percentage
for use by suppliers in their reports of taxable gross receipts
for the remainder of the qualifying period. The operator of the
facility shall disclose to the suppliers that such Ohio delivery
percentage is an estimate and is subject to recalculation. By
the due date of the next application for a qualifying
certificate, the operator shall determine the actual Ohio
delivery percentage for the estimated qualifying period and
proceed as provided in division (F)(2)(z)(iii) of this section
with respect to the calculation and recalculation of the Ohio
delivery percentage. The supplier is required to file, within
sixty days after receiving notice from the operator of the
qualified distribution center, amended reports for the impacted
calendar quarter or quarters or calendar year, whichever the
case may be. Any additional tax liability or tax overpayment
shall be subject to interest but shall not be subject to the
imposition of any penalty so long as the amended returns are
timely filed.

(II) The operator of a distribution center that receives a
qualifying certificate under division (F)(2)(z)(ii)(II) of this
section shall make a good faith estimate of the Ohio delivery
percentage that the operator estimates will apply to the
distribution center at the end of the thirty-six-month period
after the operator first applied for a qualifying certificate
under that division. The result of the estimate shall be
multiplied by a factor of one and seventy-five one-hundredths.
The product of that calculation shall be the Ohio delivery
percentage used by suppliers in their reports of taxable gross
receipts for each qualifying year that the distribution center
receives a qualifying certificate under division (F)(2)(z)(ii)
(II) of this section, except that, if the product is less than
five per cent, the Ohio delivery percentage used shall be five
per cent and that, if the product exceeds forty-nine per cent,
the Ohio delivery percentage used shall be forty-nine per cent.

(v) Qualifying certificates and Ohio delivery percentages
issued by the commissioner shall be open to public inspection and shall be timely published by the commissioner. A supplier relying in good faith on a certificate issued under this division shall not be subject to tax on the qualifying distribution center receipts under division (F)(2)(z) of this section. An operator receiving a qualifying certificate is liable for the ineligible operator's supplier tax liability for each year the operator received a certificate but did not qualify as a qualified distribution center.

(vi) The annual fee for a qualifying certificate shall be one hundred thousand dollars for each qualified distribution center. If a qualifying certificate is not issued, the annual fee is subject to refund after the exhaustion of all appeals provided for in division (F)(2)(z)(i)(VI) of this section. The first one hundred thousand dollars of the annual application fees collected each calendar year shall be credited to the revenue enhancement fund. The remainder of the annual application fees collected shall be distributed in the same manner required under section 5751.20 of the Revised Code.

(vii) The tax commissioner may require that adequate security be posted by the operator of the distribution center on appeal when the commissioner disagrees that the applicant has met the minimum thresholds for a qualified distribution center as set forth in division (F)(2)(z) of this section.

(aa) Receipts of an employer from payroll deductions relating to the reimbursement of the employer for advancing moneys to an unrelated third party on an employee's behalf;

(bb) Cash discounts allowed and taken;

(cc) Returns and allowances;
(dd) Bad debts from receipts on the basis of which the tax imposed by this chapter was paid in a prior quarterly tax payment period. For the purpose of this division, "bad debts" means any debts that have become worthless or uncollectible between the preceding and current quarterly tax payment periods, have been uncollected for at least six months, and that may be claimed as a deduction under section 166 of the Internal Revenue Code and the regulations adopted under that section, or that could be claimed as such if the taxpayer kept its accounts on the accrual basis. "Bad debts" does not include repossessed property, uncollectible amounts on property that remains in the possession of the taxpayer until the full purchase price is paid, or expenses in attempting to collect any account receivable or for any portion of the debt recovered;

(ee) Any amount realized from the sale of an account receivable to the extent the receipts from the underlying transaction giving rise to the account receivable were included in the gross receipts of the taxpayer;

(ff) Any receipts directly attributed to a transfer agreement or to the enterprise transferred under that agreement under section 4313.02 of the Revised Code.

(gg)(i) As used in this division:

(I) "Qualified uranium receipts" means receipts from the sale, exchange, lease, loan, production, processing, or other disposition of uranium within a uranium enrichment zone certified by the tax commissioner under division (F)(2)(gg)(ii) of this section. "Qualified uranium receipts" does not include any receipts with a situs in this state outside a uranium enrichment zone certified by the tax commissioner under division (F)(2)(gg)(ii) of this section.
(II) "Uranium enrichment zone" means all real property that is part of a uranium enrichment facility licensed by the United States nuclear regulatory commission and that was or is owned or controlled by the United States department of energy or its successor.

(ii) Any person that owns, leases, or operates real or tangible personal property constituting or located within a uranium enrichment zone may apply to the tax commissioner to have the uranium enrichment zone certified for the purpose of excluding qualified uranium receipts under division (F)(2)(gg) of this section. The application shall include such information that the tax commissioner prescribes. Within sixty days after receiving the application, the tax commissioner shall certify the zone for that purpose if the commissioner determines that the property qualifies as a uranium enrichment zone as defined in division (F)(2)(gg) of this section, or, if the tax commissioner determines that the property does not qualify, the commissioner shall deny the application or request additional information from the applicant. If the tax commissioner denies an application, the commissioner shall state the reasons for the denial. The applicant may appeal the denial of an application to the board of tax appeals pursuant to section 5717.02 of the Revised Code. If the applicant files a timely appeal, the tax commissioner shall conditionally certify the applicant's property. The conditional certification shall expire when all of the applicant's appeals are exhausted. Until final resolution of the appeal, the applicant shall retain the applicant's records in accordance with section 5751.12 of the Revised Code, notwithstanding any time limit on the preservation of records under that section.

(hh) In the case of amounts collected by a licensed casino
operator from casino gaming, amounts in excess of the casino operator's gross casino revenue. In this division, "casino operator" and "casino gaming" have the meanings defined in section 3772.01 of the Revised Code, and "gross casino revenue" has the meaning defined in section 5753.01 of the Revised Code.

(ii) Receipts realized from the sale of agricultural commodities by an agricultural commodity handler, both as defined in section 926.01 of the Revised Code, that is licensed by the director of agriculture to handle agricultural commodities in this state.

(jj) Qualifying integrated supply chain receipts.

As used in division (F)(2)(jj) of this section:

(i) "Qualifying integrated supply chain receipts" means receipts of a qualified integrated supply chain vendor from the sale of qualified property delivered to, or integrated supply chain services provided to, another qualified integrated supply chain vendor or to a retailer that is a member of the integrated supply chain. "Qualifying integrated supply chain receipts" does not include receipts of a person that is not a qualified integrated supply chain vendor from the sale of raw materials to a member of an integrated supply chain, or receipts of a member of an integrated supply chain from the sale of qualified property or integrated supply chain services to a person that is not a member of the integrated supply chain.

(ii) "Qualified property" means any of the following:

(I) Component parts used to hold, contain, package, or dispense qualified products, excluding equipment;

(II) Work-in-process inventory that will become, comprise, or form a component part of a qualified product capable of being
sold at retail, excluding equipment, machinery, furniture, and fixtures;

(III) Finished goods inventory that is a qualified product capable of being sold at retail in the inventory's present form.

(iii) "Qualified integrated supply chain vendor" means a person that is a member of an integrated supply chain and that provides integrated supply chain services within a qualified integrated supply chain district to a retailer that is a member of the integrated supply chain or to another qualified integrated supply chain vendor that is located within the same such district as the person but does not share a common owner with that person.

(iv) "Qualified product" means a personal care, health, or beauty product or an aromatic product, including a candle. "Qualified product" does not include a drug that may be dispensed only pursuant to a prescription, durable medical equipment, mobility enhancing equipment, or a prosthetic device, as those terms are defined in section 5739.01 of the Revised Code.

(v) "Integrated supply chain" means two or more qualified integrated supply chain vendors certified on the most recent list certified to the tax commissioner under this division that systematically collaborate and coordinate business operations with a retailer on the flow of tangible personal property from material sourcing through manufacturing, assembly, packaging, and delivery to the retailer to improve long-term financial performance of each vendor and the supply chain that includes the retailer.

For the purpose of the certification required under this
division, the reporting person for each retailer, on or before the first day of October of each year, shall certify to the tax commissioner a list of the qualified integrated supply chain vendors providing or receiving integrated supply chain services within a qualified integrated supply chain district for the ensuing calendar year. On or before the following first day of November, the commissioner shall issue a certificate to the retailer and to each vendor certified to the commissioner on that list. The certificate shall include the names of the retailer and of the qualified integrated supply chain vendors.

The retailer shall notify the commissioner of any changes to the list, including additions to or subtractions from the list or changes in the name or legal entity of vendors certified on the list, within sixty days after the date the retailer becomes aware of the change. Within thirty days after receiving that notification, the commissioner shall issue a revised certificate to the retailer and to each vendor certified on the list. The revised certificate shall include the effective date of the change.

Each recipient of a certificate issued pursuant to this division shall maintain a copy of the certificate for four years from the date the certificate was received.

(vi) "Integrated supply chain services" means procuring raw materials or manufacturing, processing, refining, assembling, packaging, or repackaging tangible personal property that will become finished goods inventory capable of being sold at retail by a retailer that is a member of an integrated supply chain.

(vii) "Retailer" means a person primarily engaged in making retail sales and any member of that person's consolidated...
elected taxpayer group or combined taxpayer group, whether or not that member is primarily engaged in making retail sales.

(viii) "Qualified integrated supply chain district" means the parcel or parcels of land from which a retailer's integrated supply chain that existed on September 29, 2015, provides or receives integrated supply chain services, and to which all of the following apply:

(I) The parcel or parcels are located wholly in a county having a population of greater than one hundred sixty-five thousand but less than one hundred seventy thousand based on the 2010 federal decennial census.

(II) The parcel or parcels are located wholly in the corporate limits of a municipal corporation with a population greater than seven thousand five hundred and less than eight thousand based on the 2010 federal decennial census that is partly located in the county described in division (F)(2)(jj)(viii)(I) of this section, as those corporate limits existed on September 29, 2015.

(III) The aggregate acreage of the parcel or parcels equals or exceeds one hundred acres.

(kk) In the case of a railroad company described in division (D)(9) of section 5727.01 of the Revised Code that purchases dyed diesel fuel directly from a supplier as defined by section 5736.01 of the Revised Code, an amount equal to the product of the number of gallons of dyed diesel fuel purchased directly from such a supplier multiplied by the average wholesale price for a gallon of diesel fuel as determined under section 5736.02 of the Revised Code for the period during which the fuel was purchased multiplied by a fraction, the numerator
of which equals the rate of tax levied by section 5736.02 of the Revised Code less the rate of tax computed in section 5751.03 of the Revised Code, and the denominator of which equals the rate of tax computed in section 5751.03 of the Revised Code.

(1l) Receipts realized by an out-of-state disaster business from disaster work conducted in this state during a disaster response period pursuant to a qualifying solicitation received by the business. Terms used in this division (F)(2)(1l) of this section have the same meanings as in section 5703.94 of the Revised Code.

(mm) In the case of amounts collected by a sports gaming agent from sports gaming, amounts in excess of the agent's sports gaming receipts. In this division, "sports gaming agent" has the same meaning as in section 3770.30 of the Revised Code and "sports gaming receipts" has the same meaning as in section 5753.01 of the Revised Code.

(nn) Any receipts for which the tax imposed by this chapter is prohibited by the constitution or laws of the United States or the constitution of this state.

(3) In the case of a taxpayer when acting as a real estate broker, "gross receipts" includes only the portion of any fee for the service of a real estate broker, or service of a real estate salesperson associated with that broker, that is retained by the broker and not paid to an associated real estate salesperson or another real estate broker. For the purposes of this division, "real estate broker" and "real estate salesperson" have the same meanings as in section 4735.01 of the Revised Code.

(4) A taxpayer's method of accounting for gross receipts
for a tax period shall be the same as the taxpayer's method of accounting for federal income tax purposes for the taxpayer's federal taxable year that includes the tax period. If a taxpayer's method of accounting for federal income tax purposes changes, its method of accounting for gross receipts under this chapter shall be changed accordingly.

(G) "Taxable gross receipts" means gross receipts sitused to this state under section 5751.033 of the Revised Code.

(H) A person has "substantial nexus with this state" if any of the following applies. The person:

(1) Owns or uses a part or all of its capital in this state;

(2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state;

(3) Has bright-line presence in this state;

(4) Otherwise has nexus with this state to an extent that the person can be required to remit the tax imposed under this chapter under the Constitution of the United States.

(I) A person has "bright-line presence" in this state for a reporting period and for the remaining portion of the calendar year if any of the following applies. The person:

(1) Has at any time during the calendar year property in this state with an aggregate value of at least fifty thousand dollars. For the purpose of division (I)(1) of this section, owned property is valued at original cost and rented property is valued at eight times the net annual rental charge.

(2) Has during the calendar year payroll in this state of at least fifty thousand dollars. Payroll in this state includes
all of the following:

(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code;

(b) Any other amount the person pays as compensation to an individual under the supervision or control of the person for work done in this state; and

(c) Any amount the person pays for services performed in this state on its behalf by another.

(3) Has during the calendar year taxable gross receipts of at least five hundred thousand dollars.

(4) Has at any time during the calendar year within this state at least twenty-five per cent of the person's total property, total payroll, or total gross receipts.

(5) Is domiciled in this state as an individual or for corporate, commercial, or other business purposes.

(J) "Tangible personal property" has the same meaning as in section 5739.01 of the Revised Code.

(K) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in this chapter that is not otherwise defined has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes unless a different meaning is clearly required. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.

(L) "Calendar quarter" means a three-month period ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, or the thirty-first day of December.
(M) "Tax period" means the calendar quarter or calendar year on the basis of which a taxpayer is required to pay the tax imposed under this chapter.

(N) "Calendar year taxpayer" means a taxpayer for which the tax period is a calendar year.

(O) "Calendar quarter taxpayer" means a taxpayer for which the tax period is a calendar quarter.

(P) "Agent" means a person authorized by another person to act on its behalf to undertake a transaction for the other, including any of the following:

1. A person receiving a fee to sell financial instruments;

2. A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person;

3. A person issuing licenses and permits under section 1533.13 of the Revised Code;

4. A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;

5. A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code.

(Q) "Received" includes amounts accrued under the accrual method of accounting.

(R) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to
matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group.

Sec. 5753.01. As used in Chapter 5753. of the Revised Code and for no other purpose under Title LVII of the Revised Code:

(A) "Casino facility" has the same meaning as in section 3772.01 of the Revised Code.

(B) "Casino gaming" has the same meaning as in section 3772.01 of the Revised Code.

(C) "Casino operator" has the same meaning as in section 3772.01 of the Revised Code.

(D) "Gross casino revenue" means the total amount of money exchanged for the purchase of chips, tokens, tickets, electronic cards, or similar objects by casino patrons, less winnings paid to wagerers. "Gross casino revenue" does not include the issuance to casino patrons or wagering by casino patrons of any promotional gaming credit as defined in section 3772.01 of the Revised Code. When issuance of the promotional gaming credit requires money exchanged as a match from the patron, the excludible portion of the promotional gaming credit does not include the portion of the wager purchased by the patron.

(E) "Person" has the same meaning as in section 3772.01 of the Revised Code.

(F) "Slot machine" has the same meaning as in section 3772.01 of the Revised Code.

(G) "Sports gaming facility" and "sports gaming agent" have the same meanings as in section 3770.30 of the Revised Code.
(H) "Sports gaming receipts" means the total gross receipts received by a sports gaming agent from the operation of sports gaming in this state, less the total of the following:

(1) All cash and cash equivalents paid as winnings to sports gaming patrons;

(2) The dollar amount of all voided wagers;

(3) Federal excise taxes paid by the sports gaming agent pursuant to 26 U.S.C. 4401;

(4) Uncollectible amounts due to the sports gaming agent from patrons as a result of sports gaming operations, provided that the amount has become worthless or uncollectible during the current tax period, has been uncollected for at least six months, and may be claimed as a deduction pursuant to section 166 of the Internal Revenue Code, and regulations adopted pursuant thereto, or that could be claimed as such a deduction if the sports gaming agent kept accounts on an accrual basis.

(I) "Table game" has the same meaning as in section 3772.01 of the Revised Code.

(J) "Taxpayer" means a casino operator subject to the tax levied under section 5753.02 of the Revised Code or a sports gaming agent subject to the tax levied under section 5753.021 of the Revised Code.

(K) "Tax period" means one twenty-four-hour period with regard to which a casino operator taxpayer is required to pay the tax levied by this chapter section 5753.02 or 5753.021 of the Revised Code.

Sec. 5753.021. For the purposes of funding the education needs of this state, funding efforts to alleviate problem
gambling and addiction, and of defraying the costs of enforcing and administering the law governing sports gaming and the tax levied by this section, a tax is hereby levied on the sports gaming receipts of a sports gaming agent at the rate of ten percent of the sports gaming receipts received by the agent from the operation of sports gaming in this state.

The tax imposed under this section is in addition to any other taxes or fees imposed under the Revised Code.

Sec. 5753.03. (A) For the purpose of receiving and distributing, and accounting for, revenue received from the tax levied by section 5753.02 of the Revised Code, the following funds are created in the state treasury:

(1) The casino tax revenue fund;

(2) The gross casino revenue county fund;

(3) The gross casino revenue county student fund;

(4) The gross casino revenue host city fund;

(5) The Ohio state racing commission fund;

(6) The Ohio law enforcement training fund;

(7) The problem casino gambling and addictions fund;

(8) The casino control commission fund;

(9) The casino tax administration fund;

(10) The peace officer training academy fund;

(11) The criminal justice services casino tax revenue fund.

(B) All moneys collected from the tax levied under this chapter section 5753.02 of the Revised Code shall be deposited
into the casino tax revenue fund.

(C) From the casino tax revenue fund the director of budget and management shall transfer as needed to the tax refund fund amounts equal to the refunds certified by the tax commissioner under section 5753.06 of the Revised Code and attributable to the tax levied under section 5753.02 of the Revised Code.

(D) After making any transfers required by division (C) of this section, but not later than the fifteenth day of the month following the end of each calendar quarter, the director of budget and management shall transfer amounts to each fund as follows:

(1) Fifty-one per cent to the gross casino revenue county fund to make payments as required by Section 6(C)(3)(a) of Article XV, Ohio Constitution;

(2) Thirty-four per cent to the gross casino revenue county student fund to make payments as required by Section 6(C)(3)(b) of Article XV, Ohio Constitution and as provided in section 5753.11 of the Revised Code;

(3) Five per cent to the gross casino revenue host city fund for the benefit of the cities in which casino facilities are located;

(4) Three per cent to the Ohio state racing commission fund to support the efforts and activities of the Ohio state racing commission to promote horse racing in this state at which the pari-mutuel system of wagering is conducted;

(5) Two per cent to the Ohio law enforcement training fund to support law enforcement functions in the state;
(6) Two per cent to the problem casino gambling and addictions fund to support efforts of the department of mental health and addiction services to alleviate problem gambling and substance abuse and related research in the state under section 5119.47 of the Revised Code;

(7) Three per cent to the casino control commission fund to support the operations of the Ohio casino control commission and to defray the cost of administering the tax levied under section 5753.02 of the Revised Code.

Payments under divisions (D)(1) and (3) of this section shall be made by the end of the month following the end of the quarterly period. The tax commissioner shall make the data available to the director of budget and management for this purpose.

Money in the Ohio state racing commission fund shall be distributed at the discretion of the Ohio state racing commission for the purpose stated in division (D)(4) of this section by the end of the month following the end of the quarterly period. The commission may retain up to five per cent of the amount transferred to the fund under division (D)(4) of this section for operating expenses necessary for the administration of the fund.

Payments from the gross casino revenue county student fund as required under section 5753.11 of the Revised Code shall be made by the last day of January and by the last day of August of each year, beginning in 2013. The tax commissioner shall make the data available to the director of budget and management for this purpose.

Of the money credited to the Ohio law enforcement training
fund, the director of budget and management shall distribute
eighty-five per cent of the money to the police officer training
academy fund for the purpose of supporting the law enforcement
training efforts of the Ohio peace officer training academy and
fifteen per cent of the money to the criminal justice services
casino tax revenue fund for the purpose of supporting the law
enforcement training efforts of the division of criminal justice
services.

(E)(1) The tax commissioner shall serve as an agent of the
counties of this state only for the purposes of this division
and solely to make payments directly to municipal corporations
and school districts, as applicable, on the counties' behalf.

(2) On or before the last day of the month following the
end of each calendar quarter, the tax commissioner shall provide
for payment from the funds referenced in divisions (D)(1) and
(3) of this section to each county and municipal corporation as
prescribed in those divisions.

(3) On or before the last day of January and the last day
of August each year, the commissioner shall provide for payments
from the fund referenced in division (D)(2) of this section to
each school district as prescribed in that division.

(F) The director of budget and management shall transfer
one per cent of the money credited to the casino control
commission fund to the casino tax administration fund. The tax
commissioner shall use the casino tax administration fund to
defray the costs incurred in administering the tax levied by
this chapter under section 5753.02 of the Revised Code.

(G) All investment earnings of the gross casino revenue
county student fund shall be credited to the fund.
Sec. 5753.031. (A) For the purpose of receiving and distributing, and accounting for, revenue received from the tax levied by section 5753.021 of the Revised Code and from fees and fines imposed under Chapter 3770. of the Revised Code relating to sports gaming, the following funds are created in the state treasury:

(1) The sports gaming revenue fund;

(2) The lottery commission sports gaming fund;

(3) The casino control commission sports gaming fund;

(4) The problem sports gaming and addiction fund;

(5) The sports gaming tax administration fund.

(B) All moneys collected from the tax levied under section 5753.021 of the Revised Code and any fines and fees collected under Chapter 3770. of the Revised Code relating to sports gaming shall be deposited into the sports gaming revenue fund.

(C) From the sports gaming revenue fund, the director of budget and management shall transfer as needed to the tax refund fund amounts equal to the refunds certified by the tax commissioner under section 5753.06 of the Revised Code and attributable to the tax levied under section 5753.021 of the Revised Code.

(D) Not later than the fifteenth day of each month, the director of budget and management shall transfer the following amounts from the sports gaming revenue fund:

(1) To the lottery commission sports gaming fund, the amount necessary to reimburse the state lottery commission's actual operating costs and expenses incurred in administering the provisions of Chapter 3770. of the Revised Code that relate
to sports gaming. The amount transferred under division (D)(1) of this section shall not exceed ten per cent of the revenue credited to the sports gaming revenue fund in the preceding month.

(2) To the casino control commission sports gaming fund, the amount necessary to reimburse the Ohio casino control commission's actual expenses incurred to assist in implementing and enforcing Chapter 3770. of the Revised Code;

(3) To the sports gaming tax administration fund, the amount necessary to reimburse the department of taxation's actual expenses incurred in administering the tax levied under section 5753.021 of the Revised Code.

(E) Of the amount in the sports gaming revenue fund remaining after making the transfers required by divisions (C) and (D) of this section, the director of budget and management shall transfer, on or before the fifteenth day of the month following the end of each calendar quarter, amounts to each fund as follows:

(1) Ninety-eight per cent to the lottery profits education fund;

(2) Two per cent to the problem sports gaming and addiction fund to support the state's efforts to alleviate problem sports gaming.

(F) All interest generated by the funds created under this section shall be credited back to the fund.

Sec. 5753.04. (A) Daily each day banks are open for business, not later than noon, a casino operator each taxpayer shall file a return electronically with the tax commissioner. The return shall be in the form required by the tax
commissioner, and shall reflect the relevant tax period. The return shall include, but is not limited to, the amount of the casino operator's taxpayer's gross casino revenue or sports gaming receipts for the tax period and the amount of tax due under section 5753.02 or 5753.021 of the Revised Code for the tax period. The casino operator taxpayer shall remit electronically with the return the tax due.

(B) If a sports gaming agent's sports gaming receipts for a tax period are less than zero because the winnings paid by the agent to wagerers exceeds the agent's total gross receipts from the operation of sports gaming for that tax period, the tax commissioner shall allow the agent to carry forward the deficit to subsequent tax periods until the agent's sports gaming receipts are greater than zero.

A deficit may not be carried back to a prior tax period and no payment previously made shall be refunded, except if the agent surrenders its sports gaming agent license and the agent's last return reported a deficit. In that case, the commissioner shall multiply the deficit by ten per cent and pay that amount to the agent in the manner prescribed by the commissioner.

(C) If the a casino operator or sports gaming agent ceases to be a taxpayer at any time, the casino operator or agent shall indicate the last date for which the casino operator or agent was liable for the tax. The return shall include a space for this purpose.

Sec. 5753.05. (A)(1) A casino operator taxpayer who fails to file a return or to remit the tax due as required by section 5753.04 of the Revised Code shall pay a penalty not to exceed the greater of five hundred dollars or ten per cent of the tax due.
(2) If the tax commissioner finds additional tax to be due, the tax commissioner may impose an additional penalty of up to fifteen per cent of the additional tax found to be due. A delinquent payment of tax made as the result of a notice or an audit is subject to the additional penalty imposed by this division.

(3) If a casino operator taxpayer fails to file a return electronically or to remit the tax electronically, the tax commissioner may impose an additional penalty of fifty dollars or ten per cent of the tax due as shown on the return, whichever is greater.

(B) If the tax due under section 5753.02 or 5753.021 of the Revised Code is not timely paid, the casino operator taxpayer shall pay interest at the rate per annum prescribed in section 5703.47 of the Revised Code beginning on the day the tax was due through the day the tax is paid or an assessment is issued, whichever occurs first.

(C) The tax commissioner shall collect any penalty or interest as if it were the tax levied by section 5753.02 or 5753.021 of the Revised Code, as applicable. Penalties and interest shall be treated as if they were revenue arising from the applicable tax levied by section 5753.02 of the Revised Code.

(D) The tax commissioner may abate all or a portion of any penalty imposed under this section and may adopt rules governing abatements.

(E) If a casino operator or sports gaming agent fails to file a return or remit the tax due as required by section 5753.04 of the Revised Code within a period of one year after
the due date for filing the return or remitting the tax, the Ohio casino control commission or the state lottery commission, as applicable, may suspend the casino operator's or agent's license.

Sec. 5753.06. (A) A casino operator taxpayer may apply to the tax commissioner for refund of the amount of taxes under section 5753.02 or 5753.021 of the Revised Code that were overpaid, paid illegally or erroneously, or paid on an illegal or erroneous assessment. The application shall be on a form prescribed by the tax commissioner. The casino operator taxpayer shall provide the amount of the requested refund along with the claimed reasons for, and documentation to support, the issuance of a refund. The casino operator taxpayer shall file the application with the tax commissioner within four years after the date the payment was made, unless the applicant has waived the time limitation under division (D) of section 5753.07 of the Revised Code. In the latter event, the four-year limitation is extended for the same period of time as the waiver.

(B) Upon the filing of a refund application, the tax commissioner shall determine the amount of refund to which the applicant is entitled. If the amount is not less than that claimed, the tax commissioner shall certify the amount to the director of budget and management and treasurer of state for payment from the tax refund fund. If the amount is less than that claimed, the tax commissioner shall proceed under section 5703.70 of the Revised Code.

(C) Interest on a refund applied for under this section, computed at the rate provided for in section 5703.47 of the Revised Code, shall be allowed from the later of the date the tax was due or the date payment of the tax was made. Except as
provided in section 5753.07 of the Revised Code, the tax commissioner may, with the consent of the casino operator taxpayer, provide for crediting against the tax due for a tax period, the amount of any refund due the casino operator taxpayer for a preceding tax period.

(D) Refunds under this section are subject to offset under section 5753.061 of the Revised Code.

**Sec. 5753.061.** As used in this section, "debt to the state" means unpaid taxes that are due the state, unpaid workers' compensation premiums that are due, unpaid unemployment compensation contributions that are due, unpaid unemployment compensation payments in lieu of contributions that are due, unpaid fees payable to the state or to the clerk of courts under section 4505.06 of the Revised Code, incorrect medical assistance payments, or any unpaid charge, penalty, or interest arising from any of the foregoing. A debt to the state is not a "debt to the state" as used in this section unless the liability underlying the debt to the state has become incontestable because the time for appealing, reconsidering, reassessing, or otherwise questioning the liability has expired or the liability has been finally determined to be valid.

If a casino operator taxpayer who is entitled to a refund under section 5753.06 of the Revised Code owes a debt to the state, the amount refundable may be applied in satisfaction of the debt to the state. If the amount refundable is less than the amount of the debt to the state, the amount refundable may be applied in partial satisfaction of the debt. If the amount refundable is greater than the amount of the debt, the amount refundable remaining after satisfaction of the debt shall be refunded to the casino operator taxpayer.
Sec. 5753.07. (A)(1) The tax commissioner may issue an assessment, based on any information in the tax commissioner's possession, against a casino operator taxpayer who fails to pay the tax levied under section 5753.02 or 5753.021 of the Revised Code or to file a return under section 5753.04 of the Revised Code. The tax commissioner shall give the casino operator taxpayer written notice of the assessment under section 5703.37 of the Revised Code. With the notice, the tax commissioner shall include instructions on how to petition for reassessment and on how to request a hearing with respect to the petition.

(2) Unless the casino operator taxpayer, within sixty days after service of the notice of assessment, files with the tax commissioner, either personally or by certified mail, a written petition signed by the casino operator taxpayer, or by the casino operator's taxpayer's authorized agent who has knowledge of the facts, the assessment becomes final, and the amount of the assessment is due and payable from the casino operator taxpayer to the treasurer of state. The petition shall indicate the casino operator's taxpayer's objections to the assessment. Additional objections may be raised in writing if they are received by the tax commissioner before the date shown on the final determination.

(3) If a petition for reassessment has been properly filed, the tax commissioner shall proceed under section 5703.60 of the Revised Code.

(4) After an assessment becomes final, if any portion of the assessment, including penalties and accrued interest, remains unpaid, the tax commissioner may file a certified copy of the entry making the assessment final in the office of the clerk of the court of common pleas of Franklin county or in the

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office of the clerk of the court of common pleas of the county in which the casino operator taxpayer resides, the casino operator's taxpayer's casino facility or sports gaming facility is located, or the casino operator's taxpayer's principal place of business in this state is located. Immediately upon the filing of the entry, the clerk shall enter a judgment for the state against the taxpayer assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled, "special judgments for the gross casino revenue tax and sports gaming receipts tax." The judgment has the same effect as other judgments. Execution shall issue upon the judgment at the request of the tax commissioner, and all laws applicable to sales on execution apply to sales made under the judgment.

(5) If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the tax commissioner issued the assessment until the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax levied under section 5753.02 or 5753.021 of the Revised Code, as applicable, and may be collected by the issuance of an assessment under this section.

(B) If the tax commissioner believes that collection of
the tax levied under section 5753.02 or 5753.021 of the Revised Code will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the casino operator who taxpayer that is liable for the tax. Immediately upon the issuance of a jeopardy assessment, the tax commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (A)(4) of this section, and the clerk shall proceed as directed in that division. Notice of the jeopardy assessment shall be served on the casino operator taxpayer or the casino operator's taxpayer's authorized agent under section 5703.37 of the Revised Code within five days after the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the casino operator taxpayer assessed files a petition for reassessment under division (A)(2) of this section and provides security in a form satisfactory to the tax commissioner that is in an amount sufficient to satisfy the unpaid balance of the assessment. If a petition for reassessment has been filed, and if satisfactory security has been provided, the tax commissioner shall proceed under division (A)(3) of this section. Full or partial payment of the assessment does not prejudice the tax commissioner's consideration of the petition for reassessment.

(C) The tax commissioner shall immediately forward to the treasurer of state all amounts the tax commissioner receives under this section, and the amounts forwarded shall be treated as if they were revenue arising from the tax levied under section 5753.02 or 5753.021 of the Revised Code, as applicable.

(D) Except as otherwise provided in this division, no assessment shall be issued against a casino operator taxpayer for the tax levied under section 5753.02 or 5753.021 of the
Revised Code more than four years after the due date for filing the return for the tax period for which the tax was reported, or more than four years after the return for the tax period was filed, whichever is later. This division does not bar an assessment against a casino operator taxpayer who fails to file a return as required by section 5753.04 of the Revised Code or who files a fraudulent return, or when the casino operator taxpayer and the tax commissioner waive in writing the time limitation.

(E) If the tax commissioner possesses information that indicates that the amount of tax a casino operator taxpayer is liable to pay under section 5753.02 or 5753.021 of the Revised Code exceeds the amount the casino operator taxpayer paid, the tax commissioner may audit a sample of the casino operator's taxpayer's gross casino revenue or sports gaming receipts, as applicable, over a representative period of time to ascertain the amount of tax due, and may issue an assessment based on the audit. The tax commissioner shall make a good faith effort to reach agreement with the casino operator taxpayer in selecting a representative sample. The tax commissioner may apply a sampling method only if the tax commissioner has prescribed the method by rule.

(F) If the whereabouts of a casino operator taxpayer who is liable for the tax levied under section 5753.02 or 5753.021 of the Revised Code are unknown to the tax commissioner, the tax commissioner shall proceed under section 5703.37 of the Revised Code.

(G) If a casino operator fails to pay the tax levied under section 5753.02 of the Revised Code within a period of one year after the due date for remitting the tax, the Ohio casino
control commission may suspend the casino operator's license.

Sec. 5753.08. If a casino operator taxpayer who is liable for the tax levied under section 5753.02 or 5753.021 of the Revised Code sells the a casino facility or sports gaming facility, disposes of the a casino facility or sports gaming facility in any manner other than in the regular course of business, or quits the casino gaming or sports gaming business, any tax owed by that person becomes immediately due and payable, and the person shall pay the tax due, including any applicable penalties and interest. The person's successor shall withhold a sufficient amount of the purchase money to cover the amounts due and unpaid until the predecessor produces a receipt from the tax commissioner showing that the amounts due have been paid or a certificate indicating that no taxes are due. If the successor fails to withhold purchase money, the successor is personally liable, up to the purchase money amount, for amounts that were unpaid during the operation of the business by the predecessor.

Sec. 5753.10. The tax commissioner may prescribe requirements for the keeping of records and pertinent documents, for the filing of copies of federal income tax returns and determinations, and for computations reconciling federal income tax returns with the return required by section 5753.04 of the Revised Code. The tax commissioner may require a casino operator taxpayer, by rule or by notice served on the casino operator taxpayer, to keep records and other documents that the tax commissioner considers necessary to show the extent to which the casino operator taxpayer is subject to this chapter. The records and other documents shall be open to inspection by the tax commissioner during business hours, and shall be preserved for a period of four years unless the tax commissioner, in writing, consents to their destruction within that period, or by order...
served on the casino operator taxpayer requires that they be kept longer. If the records are normally kept electronically by the casino operator taxpayer, the casino operator taxpayer shall provide the records to the tax commissioner electronically at the tax commissioner's request.

Any information required by the tax commissioner under this section is confidential under section 5703.21 of the Revised Code.

Section 2. That existing sections 109.572, 718.031, 3770.01, 3770.02, 3770.99, 3772.03, 5703.21, 5747.02, 5747.063, 5747.064, 5747.08, 5747.20, 5751.01, 5753.01, 5753.03, 5753.04, 5753.05, 5753.06, 5753.061, 5753.07, 5753.08, and 5753.10 of the Revised Code are hereby repealed.

Section 3. Section 3770.331 of the Revised Code, as enacted by this act, shall take effect twelve months after the effective date of this act.

Section 4. (A) There is the Sports Gaming Advisory Board, which shall consist of five members appointed by the Governor with the advice and consent of the Senate. Not more than three members of the Board shall be members of the same political party.

Members of the Board shall serve without compensation.

No member of the State Lottery Commission or the Ohio Casino Control Commission shall serve on the Board.

Each member of the Board shall be a resident of this state.

(B) The Sports Gaming Advisory Board shall serve in an advisory capacity to the State Lottery Commission and shall
study and develop recommendations for the rules to be adopted by
the State Lottery Commission under this act with respect to the
sports gaming lottery.

(C) The Sports Gaming Advisory Board shall make
recommendations to the State Lottery Commission as it determines
appropriate. The Board shall cease to exist on the date that is
three years after the effective date of this act.

Section 5. Notwithstanding the amendment of division (C)
of section 3770.01 of the Revised Code by this act to require
three members of the State Lottery Commission to possess gaming
experience, no member of the Commission on the effective date of
this act must be removed in order to be replaced by a person
with gaming experience. The additional two members appointed to
the Commission under this act shall have gaming experience, and
shall be appointed to terms ending August 1, 2022. The next
appointment made to replace a person serving on the Commission
after the effective date of this act shall be of a third person
with gaming experience.

Section 6. The General Assembly, applying the principle
stated in division (B) of section 1.52 of the Revised Code that
amendments are to be harmonized if reasonably capable of
simultaneous operation, finds that the following sections,
presented in this act as composites of the sections as amended
by the acts indicated, are the resulting versions of the
sections in effect prior to the effective date of the sections
as presented in this act:

Section 109.572 of the Revised Code as amended by Am. Sub.
General Assembly.
Section 3772.03 of the Revised Code as amended by both Am. Sub. H.B. 49 and Sub. H.B. 132 of the 132nd General Assembly.