

I\_133\_0103-11

133rd General Assembly  
Regular Session  
2019-2020

Sub. H. B. No. 194

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**A BILL**

To amend sections 109.572, 718.031, 3770.01, 1  
3770.02, 3770.99, 3772.03, 5703.21, 5747.02, 2  
5747.063, 5747.064, 5747.08, 5747.20, 5751.01, 3  
5753.01, 5753.03, 5753.04, 5753.05, 5753.06, 4  
5753.061, 5753.07, 5753.08, and 5753.10 and to 5  
enact sections 3770.30, 3770.31, 3770.32, 6  
3770.33, 3770.331, 3770.34, 3770.35, 3770.36, 7  
3770.37, 3770.38, 3770.39, 3770.40, 5753.021, 8  
and 5753.031 of the Revised Code to legalize and 9  
regulate sports gaming in this state, to levy a 10  
tax on businesses that provide sports gaming, 11  
and to create a Sports Gaming Advisory Board. 12

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

**Section 1.** That sections 109.572, 718.031, 3770.01, 13  
3770.02, 3770.99, 3772.03, 5703.21, 5747.02, 5747.063, 5747.064, 14  
5747.08, 5747.20, 5751.01, 5753.01, 5753.03, 5753.04, 5753.05, 15  
5753.06, 5753.061, 5753.07, 5753.08, and 5753.10 be amended and 16  
sections 3770.30, 3770.31, 3770.32, 3770.33, 3770.331, 3770.34, 17  
3770.35, 3770.36, 3770.37, 3770.38, 3770.39, 3770.40, 5753.021, 18



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and 5753.031 of the Revised Code be enacted to read as follows: 19

**Sec. 109.572.** (A) (1) Upon receipt of a request pursuant to 20  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 21  
Code, a completed form prescribed pursuant to division (C) (1) of 22  
this section, and a set of fingerprint impressions obtained in 23  
the manner described in division (C) (2) of this section, the 24  
superintendent of the bureau of criminal identification and 25  
investigation shall conduct a criminal records check in the 26  
manner described in division (B) of this section to determine 27  
whether any information exists that indicates that the person 28  
who is the subject of the request previously has been convicted 29  
of or pleaded guilty to any of the following: 30

(a) A violation of section 2903.01, 2903.02, 2903.03, 31  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 32  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 33  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 34  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 35  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 36  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 37  
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 38  
sexual penetration in violation of former section 2907.12 of the 39  
Revised Code, a violation of section 2905.04 of the Revised Code 40  
as it existed prior to July 1, 1996, a violation of section 41  
2919.23 of the Revised Code that would have been a violation of 42  
section 2905.04 of the Revised Code as it existed prior to July 43  
1, 1996, had the violation been committed prior to that date, or 44  
a violation of section 2925.11 of the Revised Code that is not a 45  
minor drug possession offense; 46

(b) A violation of an existing or former law of this 47  
state, any other state, or the United States that is 48

substantially equivalent to any of the offenses listed in 49  
division (A) (1) (a) of this section; 50

(c) If the request is made pursuant to section 3319.39 of 51  
the Revised Code for an applicant who is a teacher, any offense 52  
specified in section 3319.31 of the Revised Code. 53

(2) On receipt of a request pursuant to section 3712.09 or 54  
3721.121 of the Revised Code, a completed form prescribed 55  
pursuant to division (C) (1) of this section, and a set of 56  
fingerprint impressions obtained in the manner described in 57  
division (C) (2) of this section, the superintendent of the 58  
bureau of criminal identification and investigation shall 59  
conduct a criminal records check with respect to any person who 60  
has applied for employment in a position for which a criminal 61  
records check is required by those sections. The superintendent 62  
shall conduct the criminal records check in the manner described 63  
in division (B) of this section to determine whether any 64  
information exists that indicates that the person who is the 65  
subject of the request previously has been convicted of or 66  
pleaded guilty to any of the following: 67

(a) A violation of section 2903.01, 2903.02, 2903.03, 68  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 69  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 70  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 71  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 72  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 73  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 74  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 75  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 76

(b) An existing or former law of this state, any other 77  
state, or the United States that is substantially equivalent to 78

any of the offenses listed in division (A) (2) (a) of this 79  
section. 80

(3) On receipt of a request pursuant to section 173.27, 81  
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 82  
5123.081, or 5123.169 of the Revised Code, a completed form 83  
prescribed pursuant to division (C) (1) of this section, and a 84  
set of fingerprint impressions obtained in the manner described 85  
in division (C) (2) of this section, the superintendent of the 86  
bureau of criminal identification and investigation shall 87  
conduct a criminal records check of the person for whom the 88  
request is made. The superintendent shall conduct the criminal 89  
records check in the manner described in division (B) of this 90  
section to determine whether any information exists that 91  
indicates that the person who is the subject of the request 92  
previously has been convicted of, has pleaded guilty to, or 93  
(except in the case of a request pursuant to section 5164.34, 94  
5164.341, or 5164.342 of the Revised Code) has been found 95  
eligible for intervention in lieu of conviction for any of the 96  
following, regardless of the date of the conviction, the date of 97  
entry of the guilty plea, or (except in the case of a request 98  
pursuant to section 5164.34, 5164.341, or 5164.342 of the 99  
Revised Code) the date the person was found eligible for 100  
intervention in lieu of conviction: 101

(a) A violation of section 959.13, 959.131, 2903.01, 102  
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 103  
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 104  
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 105  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 106  
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 107  
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 108  
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 109

2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05,	110
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42,	111
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,	112
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	113
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03,	114
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321,	115
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123,	116
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02,	117
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11,	118
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36,	119
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;	120
(b) Felonious sexual penetration in violation of former	121
section 2907.12 of the Revised Code;	122
(c) A violation of section 2905.04 of the Revised Code as	123
it existed prior to July 1, 1996;	124
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	125
the Revised Code when the underlying offense that is the object	126
of the conspiracy, attempt, or complicity is one of the offenses	127
listed in divisions (A) (3) (a) to (c) of this section;	128
(e) A violation of an existing or former municipal	129
ordinance or law of this state, any other state, or the United	130
States that is substantially equivalent to any of the offenses	131
listed in divisions (A) (3) (a) to (d) of this section.	132
(4) On receipt of a request pursuant to section 2151.86 of	133
the Revised Code, a completed form prescribed pursuant to	134
division (C) (1) of this section, and a set of fingerprint	135
impressions obtained in the manner described in division (C) (2)	136
of this section, the superintendent of the bureau of criminal	137
identification and investigation shall conduct a criminal	138

records check in the manner described in division (B) of this 139  
section to determine whether any information exists that 140  
indicates that the person who is the subject of the request 141  
previously has been convicted of or pleaded guilty to any of the 142  
following: 143

(a) A violation of section 959.13, 2903.01, 2903.02, 144  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 145  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 146  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 147  
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 148  
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 149  
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 150  
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 151  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 152  
2927.12, or 3716.11 of the Revised Code, a violation of section 153  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 154  
a violation of section 2919.23 of the Revised Code that would 155  
have been a violation of section 2905.04 of the Revised Code as 156  
it existed prior to July 1, 1996, had the violation been 157  
committed prior to that date, a violation of section 2925.11 of 158  
the Revised Code that is not a minor drug possession offense, 159  
two or more OVI or OVUAC violations committed within the three 160  
years immediately preceding the submission of the application or 161  
petition that is the basis of the request, or felonious sexual 162  
penetration in violation of former section 2907.12 of the 163  
Revised Code; 164

(b) A violation of an existing or former law of this 165  
state, any other state, or the United States that is 166  
substantially equivalent to any of the offenses listed in 167  
division (A) (4) (a) of this section. 168

(5) Upon receipt of a request pursuant to section 5104.013 169  
of the Revised Code, a completed form prescribed pursuant to 170  
division (C)(1) of this section, and a set of fingerprint 171  
impressions obtained in the manner described in division (C)(2) 172  
of this section, the superintendent of the bureau of criminal 173  
identification and investigation shall conduct a criminal 174  
records check in the manner described in division (B) of this 175  
section to determine whether any information exists that 176  
indicates that the person who is the subject of the request has 177  
been convicted of or pleaded guilty to any of the following: 178

(a) A violation of section 2151.421, 2903.01, 2903.02, 179  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 180  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 181  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 182  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 183  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 184  
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 185  
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 186  
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 187  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 188  
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 189  
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 190  
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 191  
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 192  
3716.11 of the Revised Code, felonious sexual penetration in 193  
violation of former section 2907.12 of the Revised Code, a 194  
violation of section 2905.04 of the Revised Code as it existed 195  
prior to July 1, 1996, a violation of section 2919.23 of the 196  
Revised Code that would have been a violation of section 2905.04 197  
of the Revised Code as it existed prior to July 1, 1996, had the 198  
violation been committed prior to that date, a violation of 199

section 2925.11 of the Revised Code that is not a minor drug 200  
possession offense, a violation of section 2923.02 or 2923.03 of 201  
the Revised Code that relates to a crime specified in this 202  
division, or a second violation of section 4511.19 of the 203  
Revised Code within five years of the date of application for 204  
licensure or certification. 205

(b) A violation of an existing or former law of this 206  
state, any other state, or the United States that is 207  
substantially equivalent to any of the offenses or violations 208  
described in division (A) (5) (a) of this section. 209

(6) Upon receipt of a request pursuant to section 5153.111 210  
of the Revised Code, a completed form prescribed pursuant to 211  
division (C) (1) of this section, and a set of fingerprint 212  
impressions obtained in the manner described in division (C) (2) 213  
of this section, the superintendent of the bureau of criminal 214  
identification and investigation shall conduct a criminal 215  
records check in the manner described in division (B) of this 216  
section to determine whether any information exists that 217  
indicates that the person who is the subject of the request 218  
previously has been convicted of or pleaded guilty to any of the 219  
following: 220

(a) A violation of section 2903.01, 2903.02, 2903.03, 221  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 222  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 223  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 224  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 225  
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 226  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 227  
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 228  
Code, felonious sexual penetration in violation of former 229

section 2907.12 of the Revised Code, a violation of section 230  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 231  
a violation of section 2919.23 of the Revised Code that would 232  
have been a violation of section 2905.04 of the Revised Code as 233  
it existed prior to July 1, 1996, had the violation been 234  
committed prior to that date, or a violation of section 2925.11 235  
of the Revised Code that is not a minor drug possession offense; 236

(b) A violation of an existing or former law of this 237  
state, any other state, or the United States that is 238  
substantially equivalent to any of the offenses listed in 239  
division (A) (6) (a) of this section. 240

(7) On receipt of a request for a criminal records check 241  
from an individual pursuant to section 4749.03 or 4749.06 of the 242  
Revised Code, accompanied by a completed copy of the form 243  
prescribed in division (C) (1) of this section and a set of 244  
fingerprint impressions obtained in a manner described in 245  
division (C) (2) of this section, the superintendent of the 246  
bureau of criminal identification and investigation shall 247  
conduct a criminal records check in the manner described in 248  
division (B) of this section to determine whether any 249  
information exists indicating that the person who is the subject 250  
of the request has been convicted of or pleaded guilty to a 251  
felony in this state or in any other state. If the individual 252  
indicates that a firearm will be carried in the course of 253  
business, the superintendent shall require information from the 254  
federal bureau of investigation as described in division (B) (2) 255  
of this section. Subject to division (F) of this section, the 256  
superintendent shall report the findings of the criminal records 257  
check and any information the federal bureau of investigation 258  
provides to the director of public safety. 259

(8) On receipt of a request pursuant to section 1321.37, 260  
1321.53, or 4763.05 of the Revised Code, a completed form 261  
prescribed pursuant to division (C)(1) of this section, and a 262  
set of fingerprint impressions obtained in the manner described 263  
in division (C)(2) of this section, the superintendent of the 264  
bureau of criminal identification and investigation shall 265  
conduct a criminal records check with respect to any person who 266  
has applied for a license, permit, or certification from the 267  
department of commerce or a division in the department. The 268  
superintendent shall conduct the criminal records check in the 269  
manner described in division (B) of this section to determine 270  
whether any information exists that indicates that the person 271  
who is the subject of the request previously has been convicted 272  
of or pleaded guilty to any of the following: a violation of 273  
section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the 274  
Revised Code; any other criminal offense involving theft, 275  
receiving stolen property, embezzlement, forgery, fraud, passing 276  
bad checks, money laundering, or drug trafficking, or any 277  
criminal offense involving money or securities, as set forth in 278  
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 279  
the Revised Code; or any existing or former law of this state, 280  
any other state, or the United States that is substantially 281  
equivalent to those offenses. 282

(9) On receipt of a request for a criminal records check 283  
from the treasurer of state under section 113.041 of the Revised 284  
Code or from an individual under section 4701.08, 4715.101, 285  
4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 286  
4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 287  
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 288  
4734.202, 4740.061, 4741.10, 4747.051, 4753.061, 4755.70, 289  
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 290

4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 291  
4779.091, or 4783.04 of the Revised Code, accompanied by a 292  
completed form prescribed under division (C)(1) of this section 293  
and a set of fingerprint impressions obtained in the manner 294  
described in division (C)(2) of this section, the superintendent 295  
of the bureau of criminal identification and investigation shall 296  
conduct a criminal records check in the manner described in 297  
division (B) of this section to determine whether any 298  
information exists that indicates that the person who is the 299  
subject of the request has been convicted of or pleaded guilty 300  
to any criminal offense in this state or any other state. 301  
Subject to division (F) of this section, the superintendent 302  
shall send the results of a check requested under section 303  
113.041 of the Revised Code to the treasurer of state and shall 304  
send the results of a check requested under any of the other 305  
listed sections to the licensing board specified by the 306  
individual in the request. 307

(10) On receipt of a request pursuant to section 124.74, 308  
1121.23, 1315.141, 1733.47, or 1761.26 of the Revised Code, a 309  
completed form prescribed pursuant to division (C)(1) of this 310  
section, and a set of fingerprint impressions obtained in the 311  
manner described in division (C)(2) of this section, the 312  
superintendent of the bureau of criminal identification and 313  
investigation shall conduct a criminal records check in the 314  
manner described in division (B) of this section to determine 315  
whether any information exists that indicates that the person 316  
who is the subject of the request previously has been convicted 317  
of or pleaded guilty to any criminal offense under any existing 318  
or former law of this state, any other state, or the United 319  
States. 320

(11) On receipt of a request for a criminal records check 321

from an appointing or licensing authority under section 3772.07 322  
of the Revised Code, a completed form prescribed under division 323  
(C) (1) of this section, and a set of fingerprint impressions 324  
obtained in the manner prescribed in division (C) (2) of this 325  
section, the superintendent of the bureau of criminal 326  
identification and investigation shall conduct a criminal 327  
records check in the manner described in division (B) of this 328  
section to determine whether any information exists that 329  
indicates that the person who is the subject of the request 330  
previously has been convicted of or pleaded guilty or no contest 331  
to any offense under any existing or former law of this state, 332  
any other state, or the United States that is a disqualifying 333  
offense as defined in section 3772.07 of the Revised Code or 334  
substantially equivalent to such an offense. 335

(12) On receipt of a request pursuant to section 2151.33 336  
or 2151.412 of the Revised Code, a completed form prescribed 337  
pursuant to division (C) (1) of this section, and a set of 338  
fingerprint impressions obtained in the manner described in 339  
division (C) (2) of this section, the superintendent of the 340  
bureau of criminal identification and investigation shall 341  
conduct a criminal records check with respect to any person for 342  
whom a criminal records check is required under that section. 343  
The superintendent shall conduct the criminal records check in 344  
the manner described in division (B) of this section to 345  
determine whether any information exists that indicates that the 346  
person who is the subject of the request previously has been 347  
convicted of or pleaded guilty to any of the following: 348

(a) A violation of section 2903.01, 2903.02, 2903.03, 349  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 350  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 351  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 352

2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 353  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 354  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 355  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 356  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 357

(b) An existing or former law of this state, any other 358  
state, or the United States that is substantially equivalent to 359  
any of the offenses listed in division (A) (12) (a) of this 360  
section. 361

(13) On receipt of a request pursuant to section 3796.12 362  
of the Revised Code, a completed form prescribed pursuant to 363  
division (C) (1) of this section, and a set of fingerprint 364  
impressions obtained in a manner described in division (C) (2) of 365  
this section, the superintendent of the bureau of criminal 366  
identification and investigation shall conduct a criminal 367  
records check in the manner described in division (B) of this 368  
section to determine whether any information exists that 369  
indicates that the person who is the subject of the request 370  
previously has been convicted of or pleaded guilty to the 371  
following: 372

(a) A disqualifying offense as specified in rules adopted 373  
under division (B) (2) (b) of section 3796.03 of the Revised Code 374  
if the person who is the subject of the request is an 375  
administrator or other person responsible for the daily 376  
operation of, or an owner or prospective owner, officer or 377  
prospective officer, or board member or prospective board member 378  
of, an entity seeking a license from the department of commerce 379  
under Chapter 3796. of the Revised Code; 380

(b) A disqualifying offense as specified in rules adopted 381  
under division (B) (2) (b) of section 3796.04 of the Revised Code 382

if the person who is the subject of the request is an 383  
administrator or other person responsible for the daily 384  
operation of, or an owner or prospective owner, officer or 385  
prospective officer, or board member or prospective board member 386  
of, an entity seeking a license from the state board of pharmacy 387  
under Chapter 3796. of the Revised Code. 388

(14) On receipt of a request required by section 3796.13 389  
of the Revised Code, a completed form prescribed pursuant to 390  
division (C)(1) of this section, and a set of fingerprint 391  
impressions obtained in a manner described in division (C)(2) of 392  
this section, the superintendent of the bureau of criminal 393  
identification and investigation shall conduct a criminal 394  
records check in the manner described in division (B) of this 395  
section to determine whether any information exists that 396  
indicates that the person who is the subject of the request 397  
previously has been convicted of or pleaded guilty to the 398  
following: 399

(a) A disqualifying offense as specified in rules adopted 400  
under division (B)(8)(a) of section 3796.03 of the Revised Code 401  
if the person who is the subject of the request is seeking 402  
employment with an entity licensed by the department of commerce 403  
under Chapter 3796. of the Revised Code; 404

(b) A disqualifying offense as specified in rules adopted 405  
under division (B)(14)(a) of section 3796.04 of the Revised Code 406  
if the person who is the subject of the request is seeking 407  
employment with an entity licensed by the state board of 408  
pharmacy under Chapter 3796. of the Revised Code. 409

(15) On receipt of a request pursuant to section 4768.06 410  
of the Revised Code, a completed form prescribed under division 411  
(C)(1) of this section, and a set of fingerprint impressions 412

obtained in the manner described in division (C) (2) of this 413  
section, the superintendent of the bureau of criminal 414  
identification and investigation shall conduct a criminal 415  
records check in the manner described in division (B) of this 416  
section to determine whether any information exists indicating 417  
that the person who is the subject of the request has been 418  
convicted of or pleaded guilty to a felony in this state or in 419  
any other state. 420

(16) On receipt of a request pursuant to division (B) of 421  
section 4764.07 of the Revised Code, a completed form prescribed 422  
under division (C) (1) of this section, and a set of fingerprint 423  
impressions obtained in the manner described in division (C) (2) 424  
of this section, the superintendent of the bureau of criminal 425  
identification and investigation shall conduct a criminal 426  
records check in the manner described in division (B) of this 427  
section to determine whether any information exists indicating 428  
that the person who is the subject of the request has been 429  
convicted of or pleaded guilty to any crime of moral turpitude, 430  
a felony, or an equivalent offense in any other state or the 431  
United States. 432

(17) On receipt of a request for a criminal records check 433  
under section 147.022 of the Revised Code, a completed form 434  
prescribed under division (C) (1) of this section, and a set of 435  
fingerprint impressions obtained in the manner prescribed in 436  
division (C) (2) of this section, the superintendent of the 437  
bureau of criminal identification and investigation shall 438  
conduct a criminal records check in the manner described in 439  
division (B) of this section to determine whether any 440  
information exists that indicates that the person who is the 441  
subject of the request previously has been convicted of or 442  
pleaded guilty or no contest to any disqualifying offense, as 443

defined in section 147.011 of the Revised Code, or to any 444  
offense under any existing or former law of this state, any 445  
other state, or the United States that is substantially 446  
equivalent to such a disqualifying offense. 447

(18) On receipt of a request pursuant to section 3770.32 448  
of the Revised Code, a completed form prescribed under division 449  
(C) (1) of this section, and a set of fingerprint impressions 450  
obtained in the manner described in division (C) (2) of this 451  
section, the superintendent of the bureau of criminal 452  
identification and investigation shall conduct a criminal 453  
records check in the manner described in division (B) of this 454  
section to determine whether any information exists indicating 455  
that the person who is the subject of the request has been 456  
convicted of or pleaded guilty or no contest to any offense 457  
under any existing or former law of this state, any other state, 458  
or the United States that is a disqualifying offense as 459  
described in division (A) (3) of section 3770.36 of the Revised 460  
Code or substantially equivalent to a disqualifying offense as 461  
described in that section. 462

(B) Subject to division (F) of this section, the 463  
superintendent shall conduct any criminal records check to be 464  
conducted under this section as follows: 465

(1) The superintendent shall review or cause to be 466  
reviewed any relevant information gathered and compiled by the 467  
bureau under division (A) of section 109.57 of the Revised Code 468  
that relates to the person who is the subject of the criminal 469  
records check, including, if the criminal records check was 470  
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 471  
173.381, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 472  
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 473

3721.121, 3770.32, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 474  
4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 475  
5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 476  
5153.111 of the Revised Code, any relevant information contained 477  
in records that have been sealed under section 2953.32 of the 478  
Revised Code; 479

(2) If the request received by the superintendent asks for 480  
information from the federal bureau of investigation, the 481  
superintendent shall request from the federal bureau of 482  
investigation any information it has with respect to the person 483  
who is the subject of the criminal records check, including 484  
fingerprint-based checks of national crime information databases 485  
as described in 42 U.S.C. 671 if the request is made pursuant to 486  
section 2151.86 or 5104.013 of the Revised Code or if any other 487  
Revised Code section requires fingerprint-based checks of that 488  
nature, and shall review or cause to be reviewed any information 489  
the superintendent receives from that bureau. If a request under 490  
section 3319.39 of the Revised Code asks only for information 491  
from the federal bureau of investigation, the superintendent 492  
shall not conduct the review prescribed by division (B) (1) of 493  
this section. 494

(3) The superintendent or the superintendent's designee 495  
may request criminal history records from other states or the 496  
federal government pursuant to the national crime prevention and 497  
privacy compact set forth in section 109.571 of the Revised 498  
Code. 499

(4) The superintendent shall include in the results of the 500  
criminal records check a list or description of the offenses 501  
listed or described in division (A) (1), (2), (3), (4), (5), (6), 502  
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 503

of this section, whichever division requires the superintendent 504  
to conduct the criminal records check. The superintendent shall 505  
exclude from the results any information the dissemination of 506  
which is prohibited by federal law. 507

(5) The superintendent shall send the results of the 508  
criminal records check to the person to whom it is to be sent 509  
not later than the following number of days after the date the 510  
superintendent receives the request for the criminal records 511  
check, the completed form prescribed under division (C) (1) of 512  
this section, and the set of fingerprint impressions obtained in 513  
the manner described in division (C) (2) of this section: 514

(a) If the superintendent is required by division (A) of 515  
this section (other than division (A) (3) of this section) to 516  
conduct the criminal records check, thirty; 517

(b) If the superintendent is required by division (A) (3) 518  
of this section to conduct the criminal records check, sixty. 519

(C) (1) The superintendent shall prescribe a form to obtain 520  
the information necessary to conduct a criminal records check 521  
from any person for whom a criminal records check is to be 522  
conducted under this section. The form that the superintendent 523  
prescribes pursuant to this division may be in a tangible 524  
format, in an electronic format, or in both tangible and 525  
electronic formats. 526

(2) The superintendent shall prescribe standard impression 527  
sheets to obtain the fingerprint impressions of any person for 528  
whom a criminal records check is to be conducted under this 529  
section. Any person for whom a records check is to be conducted 530  
under this section shall obtain the fingerprint impressions at a 531  
county sheriff's office, municipal police department, or any 532

other entity with the ability to make fingerprint impressions on 533  
the standard impression sheets prescribed by the superintendent. 534  
The office, department, or entity may charge the person a 535  
reasonable fee for making the impressions. The standard 536  
impression sheets the superintendent prescribes pursuant to this 537  
division may be in a tangible format, in an electronic format, 538  
or in both tangible and electronic formats. 539

(3) Subject to division (D) of this section, the 540  
superintendent shall prescribe and charge a reasonable fee for 541  
providing a criminal records check under this section. The 542  
person requesting the criminal records check shall pay the fee 543  
prescribed pursuant to this division. In the case of a request 544  
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 545  
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 546  
fee shall be paid in the manner specified in that section. 547

(4) The superintendent of the bureau of criminal 548  
identification and investigation may prescribe methods of 549  
forwarding fingerprint impressions and information necessary to 550  
conduct a criminal records check, which methods shall include, 551  
but not be limited to, an electronic method. 552

(D) The results of a criminal records check conducted 553  
under this section, other than a criminal records check 554  
specified in division (A)(7) of this section, are valid for the 555  
person who is the subject of the criminal records check for a 556  
period of one year from the date upon which the superintendent 557  
completes the criminal records check. If during that period the 558  
superintendent receives another request for a criminal records 559  
check to be conducted under this section for that person, the 560  
superintendent shall provide the results from the previous 561  
criminal records check of the person at a lower fee than the fee 562

prescribed for the initial criminal records check. 563

(E) When the superintendent receives a request for 564  
information from a registered private provider, the 565  
superintendent shall proceed as if the request was received from 566  
a school district board of education under section 3319.39 of 567  
the Revised Code. The superintendent shall apply division (A) (1) 568  
(c) of this section to any such request for an applicant who is 569  
a teacher. 570

(F) (1) Subject to division (F) (2) of this section, all 571  
information regarding the results of a criminal records check 572  
conducted under this section that the superintendent reports or 573  
sends under division (A) (7) or (9) of this section to the 574  
director of public safety, the treasurer of state, or the 575  
person, board, or entity that made the request for the criminal 576  
records check shall relate to the conviction of the subject 577  
person, or the subject person's plea of guilty to, a criminal 578  
offense. 579

(2) Division (F) (1) of this section does not limit, 580  
restrict, or preclude the superintendent's release of 581  
information that relates to the arrest of a person who is 582  
eighteen years of age or older, to an adjudication of a child as 583  
a delinquent child, or to a criminal conviction of a person 584  
under eighteen years of age in circumstances in which a release 585  
of that nature is authorized under division (E) (2), (3), or (4) 586  
of section 109.57 of the Revised Code pursuant to a rule adopted 587  
under division (E) (1) of that section. 588

(G) As used in this section: 589

(1) "Criminal records check" means any criminal records 590  
check conducted by the superintendent of the bureau of criminal 591

identification and investigation in accordance with division (B) 592  
of this section. 593

(2) "Minor drug possession offense" has the same meaning 594  
as in section 2925.01 of the Revised Code. 595

(3) "OVI or OVUAC violation" means a violation of section 596  
4511.19 of the Revised Code or a violation of an existing or 597  
former law of this state, any other state, or the United States 598  
that is substantially equivalent to section 4511.19 of the 599  
Revised Code. 600

(4) "Registered private provider" means a nonpublic school 601  
or entity registered with the superintendent of public 602  
instruction under section 3310.41 of the Revised Code to 603  
participate in the autism scholarship program or section 3310.58 604  
of the Revised Code to participate in the Jon Peterson special 605  
needs scholarship program. 606

**Sec. 718.031.** As used in this section, "sports gaming 607  
facility" has the same meaning as in section 3770.30 of the 608  
Revised Code. 609

(A) A municipal corporation shall require a casino 610  
facility or a casino operator, as defined in Section 6(C)(9) of 611  
Article XV, Ohio Constitution, and section 3772.01 of the 612  
Revised Code, respectively, or a lottery sales agent conducting 613  
video lottery terminals on behalf of the state to withhold and 614  
remit municipal income tax with respect to amounts other than 615  
qualifying wages as provided in this section. 616

(B) If a person's winnings ~~at a~~ from casino facility 617  
gaming or from sports gaming are an amount for which reporting 618  
to the internal revenue service of the amount is required by 619  
section 6041 of the Internal Revenue Code, as amended, ~~the a~~ 620

casino operator shall deduct and withhold municipal income tax 621  
from the person's winnings at the rate of the tax imposed by the 622  
municipal corporation in which the operator's casino facility or 623  
sports gaming facility is located. 624

(C) Amounts deducted and withheld by a casino operator are 625  
held in trust for the benefit of the municipal corporation to 626  
which the tax is owed. 627

(1) On or before the tenth day of each month, the casino 628  
operator shall file a return electronically with the tax 629  
administrator of the municipal corporation, providing the name, 630  
address, and social security number of the person from whose 631  
winnings amounts were deducted and withheld, the amount of each 632  
such deduction and withholding during the preceding calendar 633  
month, the amount of the winnings from which each such amount 634  
was withheld, the type of casino gaming or sports gaming that 635  
resulted in such winnings, and any other information required by 636  
the tax administrator. With this return, the casino operator 637  
shall remit electronically to the municipal corporation all 638  
amounts deducted and withheld during the preceding month. 639

(2) Annually, on or before the thirty-first day of 640  
January, a casino operator shall file an annual return 641  
electronically with the tax administrator of the municipal 642  
corporation in which the casino facility or sports gaming 643  
facility is located, indicating the total amount deducted and 644  
withheld during the preceding calendar year. The casino operator 645  
shall remit electronically with the annual return any amount 646  
that was deducted and withheld and that was not previously 647  
remitted. If the name, address, or social security number of a 648  
person or the amount deducted and withheld with respect to that 649  
person was omitted on a monthly return for that reporting 650

period, that information shall be indicated on the annual 651  
return. 652

(3) Annually, on or before the thirty-first day of 653  
January, a casino operator shall issue an information return to 654  
each person with respect to whom an amount has been deducted and 655  
withheld during the preceding calendar year. The information 656  
return shall show the total amount of municipal income tax 657  
deducted from the person's winnings during the preceding year. 658  
The casino operator shall provide to the tax administrator a 659  
copy of each information return issued under this division. The 660  
administrator may require that such copies be transmitted 661  
electronically. 662

(4) A casino operator that fails to file a return and 663  
remit the amounts deducted and withheld shall be personally 664  
liable for the amount withheld and not remitted. Such personal 665  
liability extends to any penalty and interest imposed for the 666  
late filing of a return or the late payment of tax deducted and 667  
withheld. 668

(5) If a casino operator sells the casino facility or 669  
sports gaming facility, or otherwise quits the casino or sports 670  
gaming business, the amounts deducted and withheld along with 671  
any penalties and interest thereon are immediately due and 672  
payable. The successor shall withhold an amount of the purchase 673  
money that is sufficient to cover the amounts deducted and 674  
withheld along with any penalties and interest thereon until the 675  
predecessor casino operator produces either of the following: 676

(a) A receipt from the tax administrator showing that the 677  
amounts deducted and withheld and penalties and interest thereon 678  
have been paid; 679

(b) A certificate from the tax administrator indicating 680  
that no amounts are due. 681

If the successor fails to withhold purchase money, the 682  
successor is personally liable for the payment of the amounts 683  
deducted and withheld and penalties and interest thereon. 684

(6) The failure of a casino operator to deduct and 685  
withhold the required amount from a person's winnings does not 686  
relieve that person from liability for the municipal income tax 687  
with respect to those winnings. 688

(D) If a person's winnings from sports gaming or prize 689  
award from a video lottery terminal is an amount for which 690  
reporting to the internal revenue service is required by section 691  
6041 of the Internal Revenue Code, as amended, ~~the a~~ video 692  
lottery sales agent shall deduct and withhold municipal income 693  
tax from the person's winnings or prize award at the rate of the 694  
tax imposed by the municipal corporation in which the agent's 695  
video lottery terminal facility or sports gaming facility is 696  
located. 697

(E) Amounts deducted and withheld by a video lottery sales 698  
agent are held in trust for the benefit of the municipal 699  
corporation to which the tax is owed. 700

(1) The video lottery sales agent shall issue to a person 701  
from whose winnings or prize award an amount has been deducted 702  
and withheld a receipt for the amount deducted and withheld, and 703  
shall obtain from the person receiving winnings or a prize award 704  
the person's name, address, and social security number in order 705  
to facilitate the preparation of returns required by this 706  
section. 707

(2) On or before the tenth day of each month, the video 708

lottery sales agent shall file a return electronically with the 709  
tax administrator of the municipal corporation providing the 710  
names, addresses, and social security numbers of the persons 711  
from whose winnings or prize awards amounts were deducted and 712  
withheld, the amount of each such deduction and withholding 713  
during the preceding calendar month, the amount of the winnings 714  
or prize award from which each such amount was withheld, and any 715  
other information required by the tax administrator. With the 716  
return, the video lottery sales agent shall remit electronically 717  
to the tax administrator all amounts deducted and withheld 718  
during the preceding month. 719

(3) A video lottery sales agent shall maintain a record of 720  
all receipts issued under division (E) of this section and shall 721  
make those records available to the tax administrator upon 722  
request. Such records shall be maintained in accordance with 723  
section 5747.17 of the Revised Code and any rules adopted 724  
pursuant thereto. 725

(4) Annually, on or before the thirty-first day of 726  
January, each video lottery terminal sales agent shall file an 727  
annual return electronically with the tax administrator of the 728  
municipal corporation in which the facility is located 729  
indicating the total amount deducted and withheld during the 730  
preceding calendar year. The video lottery sales agent shall 731  
remit electronically with the annual return any amount that was 732  
deducted and withheld and that was not previously remitted. If 733  
the name, address, or social security number of a person or the 734  
amount deducted and withheld with respect to that person was 735  
omitted on a monthly return for that reporting period, that 736  
information shall be indicated on the annual return. 737

(5) Annually, on or before the thirty-first day of 738

January, a video lottery sales agent shall issue an information 739  
return to each person with respect to whom an amount has been 740  
deducted and withheld during the preceding calendar year. The 741  
information return shall show the total amount of municipal 742  
income tax deducted and withheld from the person's winnings or 743  
prize award by the video lottery sales agent during the 744  
preceding year. A video lottery sales agent shall provide to the 745  
tax administrator of the municipal corporation a copy of each 746  
information return issued under this division. The tax 747  
administrator may require that such copies be transmitted 748  
electronically. 749

(6) A video lottery sales agent who fails to file a return 750  
and remit the amounts deducted and withheld is personally liable 751  
for the amount deducted and withheld and not remitted. Such 752  
personal liability extends to any penalty and interest imposed 753  
for the late filing of a return or the late payment of tax 754  
deducted and withheld. 755

(F) If a video lottery sales agent ceases to operate video 756  
lottery terminals, sells a sports gaming facility, or otherwise 757  
quits the sports gaming business, the amounts deducted and 758  
withheld along with any penalties and interest thereon are 759  
immediately due and payable. The successor of the video lottery 760  
sales agent ~~that purchases the video lottery terminals from the~~ 761  
~~agent~~ shall withhold an amount from the purchase money that is 762  
sufficient to cover the amounts deducted and withheld and any 763  
penalties and interest thereon until the predecessor video 764  
lottery sales agent operator produces either of the following: 765

(1) A receipt from the tax administrator showing that the 766  
amounts deducted and withheld and penalties and interest thereon 767  
have been paid; 768

(2) A certificate from the tax administrator indicating 769  
that no amounts are due. 770

If the successor fails to withhold purchase money, the 771  
successor is personally liable for the payment of the amounts 772  
deducted and withheld and penalties and interest thereon. 773

(G) The failure of a video lottery sales agent to deduct 774  
and withhold the required amount from a person's winnings or 775  
prize award awards does not relieve that person from liability 776  
for the municipal income tax with respect to ~~that~~ those winnings 777  
or prize award awards. 778

(H) If a casino operator or lottery sales agent files a 779  
return late, fails to file a return, remits amounts deducted and 780  
withheld late, or fails to remit amounts deducted and withheld 781  
as required under this section, the tax administrator of a 782  
municipal corporation may impose the following applicable 783  
penalty: 784

(1) For the late remittance of, or failure to remit, tax 785  
deducted and withheld under this section, a penalty equal to 786  
fifty per cent of the tax deducted and withheld; 787

(2) For the failure to file, or the late filing of, a 788  
monthly or annual return, a penalty of five hundred dollars for 789  
each return not filed or filed late. Interest shall accrue on 790  
past due amounts deducted and withheld at the rate prescribed in 791  
section 5703.47 of the Revised Code. 792

(I) Amounts deducted and withheld on behalf of a municipal 793  
corporation shall be allowed as a credit against payment of the 794  
tax imposed by the municipal corporation and shall be treated as 795  
taxes paid for purposes of section 718.08 of the Revised Code. 796  
This division applies only to the person for whom the amount is 797

deducted and withheld. 798

(J) The tax administrator shall prescribe the forms of the 799  
receipts and returns required under this section. 800

**Sec. 3770.01.** (A) There is hereby created the state 801  
lottery commission consisting of ~~nine~~eleven members appointed 802  
by the governor with the advice and consent of the senate. No 803  
more than ~~five~~six members of the commission shall be members of 804  
the same political party. Of the additional and new appointments 805  
made to the commission pursuant to the amendment of August 1, 806  
1980, three shall be for terms ending August 1, 1981, three 807  
shall be for terms ending August 1, 1982, and three shall be for 808  
terms ending August 1, 1983. The additional two members first 809  
appointed to the commission after the effective date of this 810  
amendment shall be appointed to terms ending August 1, 2022. 811  
Thereafter, terms of office shall be for three years, each term 812  
ending on the same day of the same month of the year as did the 813  
term which it succeeds. 814

(B) Each member shall hold office from the date of 815  
appointment until the end of the term for which the member was 816  
appointed. Any member appointed to fill a vacancy occurring 817  
prior to the expiration of the term for which the member's 818  
predecessor was appointed shall hold office for the remainder of 819  
that term. Any member shall continue in office subsequent to the 820  
expiration date of the member's term until the member's 821  
successor takes office, or until a period of sixty days has 822  
elapsed, whichever occurs first. 823

(C) All members of the commission shall be citizens of the 824  
United States and residents of this state. The members of the 825  
commission shall represent the various geographic regions of the 826  
state. No member of the commission shall have any pecuniary 827

interest in any contract or license awarded by the commission. 828  
One person appointed as a member of the commission shall have 829  
experience or training in the area of problem gambling or other 830  
addictions and in assistance to recovering gambling or other 831  
addicts. Each person appointed as a member of the commission, 832  
except the member appointed as having experience or training in 833  
the area of problem gambling or other addictions and in 834  
assistance to recovering gambling or other addicts, shall have 835  
prior experience or education in business administration, 836  
management, sales, marketing, or advertising. Three persons 837  
appointed as members of the commission shall have gaming 838  
experience. 839

(D) The commission shall elect annually one of its members 840  
to serve as chairperson for a term of one year. Election as 841  
chairperson shall not extend a member's appointive term. Each 842  
member of the commission shall receive an annual salary of five 843  
thousand dollars, payable in monthly installments. Each member 844  
of the commission also shall receive the member's actual and 845  
necessary expenses incurred in the discharge of the member's 846  
official duties. 847

(E) Each member of the commission, before entering upon 848  
the discharge of the member's official duties, shall give a 849  
bond, payable to the treasurer of state, in the sum of ten 850  
thousand dollars with sufficient sureties to be approved by the 851  
treasurer of state, which bond shall be filed with the secretary 852  
of state. 853

(F) The governor may remove any member of the commission 854  
for malfeasance, misfeasance, or nonfeasance in office, giving 855  
the member a copy of the charges against the member and 856  
affording the member an opportunity to be publicly heard in 857

person or by counsel in the member's own defense upon not less 858  
than ten days' notice. If the member is removed, the governor 859  
shall file in the office of the secretary of state a complete 860  
statement of all charges made against the member and the 861  
governor's finding on the charges, together with a complete 862  
report of the proceedings, and the governor's decision on the 863  
charges is final. 864

(G) The commission shall maintain offices at locations in 865  
the state as it may consider necessary for the efficient 866  
performance of its functions. The director shall maintain an 867  
office in Columbus to coordinate the activities of the state 868  
lottery commission with other state departments. 869

**Sec. 3770.02.** (A) Subject to the advice and consent of the 870  
senate, the governor shall appoint a director of the state 871  
lottery commission who shall serve at the pleasure of the 872  
governor. The director shall devote full time to the duties of 873  
the office and shall hold no other office or employment. The 874  
director shall meet all requirements for appointment as a member 875  
of the commission and shall, by experience and training, possess 876  
management skills that equip the director to administer an 877  
enterprise of the nature of a state lottery. The director shall 878  
receive an annual salary in accordance with pay range 48 of 879  
section 124.152 of the Revised Code. 880

(B) (1) The director shall attend all meetings of the 881  
commission and shall act as its secretary. The director shall 882  
keep a record of all commission proceedings and shall keep the 883  
commission's records, files, and documents at the commission's 884  
principal office. All records of the commission's meetings shall 885  
be available for inspection by any member of the public, upon a 886  
showing of good cause and prior notification to the director. 887

(2) The director shall be the commission's executive 888  
officer and shall be responsible for keeping all commission 889  
records and supervising and administering the state lottery in 890  
accordance with this chapter, and carrying out all commission 891  
rules adopted under section 3770.03 of the Revised Code. 892

(C) (1) The director shall appoint deputy directors as 893  
necessary and as many regional managers as are required. The 894  
director may also appoint necessary professional, technical, and 895  
clerical assistants. All such officers and employees shall be 896  
appointed and compensated pursuant to Chapter 124. of the 897  
Revised Code. Regional and assistant regional managers, sales 898  
representatives, and any lottery executive account 899  
representatives shall remain in the unclassified service. The 900  
assistant director shall act as director in the absence or 901  
disability of the director. If the director does not appoint an 902  
assistant director, the director shall designate a deputy 903  
director to act as director in the absence or disability of the 904  
director. 905

(2) The director, in consultation with the director of 906  
administrative services, may establish standards of proficiency 907  
and productivity for commission field representatives. 908

(D) The director shall request the bureau of criminal 909  
identification and investigation, the department of public 910  
safety, or any other state, local, or federal agency to supply 911  
the director with the criminal records of any job applicant and 912  
may periodically request the criminal records of commission 913  
employees. At or prior to the time of making such a request, the 914  
director shall require a job applicant or commission employee to 915  
obtain fingerprint cards prescribed by the superintendent of the 916  
bureau of criminal identification and investigation at a 917

qualified law enforcement agency, and the director shall cause 918  
these fingerprint cards to be forwarded to the bureau of 919  
criminal identification and investigation and the federal bureau 920  
of investigation. The commission shall assume the cost of 921  
obtaining the fingerprint cards and shall pay to each agency 922  
supplying criminal records for each investigation under this 923  
division a reasonable fee, as determined by the agency. 924

(E) The director shall license lottery sales agents 925  
pursuant to section 3770.05 of the Revised Code and, when it is 926  
considered necessary, may revoke or suspend the license of any 927  
lottery sales agent. The director may license video lottery 928  
technology providers, independent testing laboratories, and 929  
gaming employees, and promulgate rules relating thereto. When 930  
the director considers it necessary, the director may suspend or 931  
revoke the license of a video lottery technology provider, 932  
independent testing laboratory, or gaming employee, including 933  
suspension or revocation without affording an opportunity for a 934  
prior hearing under section 119.07 of the Revised Code when the 935  
public safety, convenience, or trust requires immediate action. 936

(F) The director shall confer at least once each month 937  
with the commission, at which time the director shall advise it 938  
regarding the operation and administration of the lottery. The 939  
director shall make available at the request of the commission 940  
all documents, files, and other records pertaining to the 941  
operation and administration of the lottery. The director shall 942  
prepare and make available to the commission each month a 943  
complete and accurate accounting of lottery revenues, prize 944  
money disbursements and the cost of goods and services awarded 945  
as prizes, operating expenses, and all other relevant financial 946  
information, including an accounting of all transfers made from 947  
any lottery funds in the custody of the treasurer of state to 948

benefit education. 949

(G) The director may enter into contracts for the 950  
operation or promotion of the lottery pursuant to Chapter 125. 951  
of the Revised Code. 952

(H) (1) Pursuant to rules adopted by the commission under 953  
section 3770.03 of the Revised Code, the director shall require 954  
any lottery sales agents to deposit to the credit of the state 955  
lottery fund, in banking institutions designated by the 956  
treasurer of state, net proceeds due the commission as 957  
determined by the director. 958

(2) Pursuant to rules adopted by the commission under 959  
Chapter 119. of the Revised Code, the director may impose 960  
penalties for the failure of a sales agent to transfer funds to 961  
the commission in a timely manner. Penalties may include 962  
monetary penalties, immediate suspension or revocation of a 963  
license, or any other penalty the commission adopts by rule. 964

(I) The director may arrange for any person, or any 965  
banking institution, to perform functions and services in 966  
connection with the operation of the lottery as the director may 967  
consider necessary to carry out this chapter. 968

(J) (1) As used in this chapter, "statewide joint lottery 969  
game" means a lottery game that the commission sells solely 970  
within this state under an agreement with other lottery 971  
jurisdictions to sell the same lottery game solely within their 972  
statewide or other jurisdictional boundaries. 973

(2) If the governor directs the director to do so, the 974  
director shall enter into an agreement with other lottery 975  
jurisdictions to conduct statewide joint lottery games. If the 976  
governor signs the agreement personally or by means of an 977

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. 1007  
The state lottery commission shall develop the requirements and 1008  
specifications for the system according to industry standards 1009  
and implement the system as part of the minimum internal control 1010  
standards described in division (D) of section 3770.31 of the 1011  
Revised Code. 1012

(2) Promptly report to the state lottery commission and 1013  
the Ohio casino control commission any facts or circumstances 1014  
related to the operation of a sports gaming licensee that 1015  
constitute a violation of state or federal law and immediately 1016  
report any suspicious wagering to the appropriate state or 1017  
federal authorities. 1018

**Sec. 3770.30. As used in this chapter:** 1019

(A) "Casino operator" has the same meaning as in section 1020  
3772.01 of the Revised Code. 1021

(B) "Collegiate sport or athletic event" means a sport or 1022  
athletic event offered or sponsored by, or played in connection 1023  
with, a public or private institution that offers educational 1024  
services beyond the secondary level. 1025

(C) "Commission" means the state lottery commission 1026  
created under section 3770.01 of the Revised Code. 1027

(D) "Professional sport or athletic event" means an event 1028  
at which two or more persons participate in sports or athletic 1029  
events and receive compensation in excess of actual expenses for 1030  
their participation in the event. 1031

(E) (1) Except as otherwise provided in division (E) (2) of 1032  
this section, "sporting event" means any professional sport or 1033  
athletic event, any collegiate sport or athletic event, any 1034  
motor race event, or any other special event the commission 1035

authorizes for sports gaming under this chapter, the individual 1036  
performance statistics of athletes or participants in such an 1037  
event, or a combination of those. 1038

(2) "Sporting event" does not include a sport or athletic 1039  
event for primary or secondary school students that is conducted 1040  
or sponsored by a primary or secondary school or by another 1041  
person or the individual performance statistics of athletes or 1042  
participants in such a sport or athletic event. 1043

(F) "Sports gaming" means participating in the sports 1044  
gaming lottery operated by the state lottery commission through 1045  
the business of accepting wagers on sporting events by any 1046  
system or method of gaming the commission approves. "Sports 1047  
gaming" includes purchasing lottery tickets whose prize 1048  
determinations are based on exchange wagering, parlays, over- 1049  
under, moneyline, in-game wagering, single game bets, teaser 1050  
bets, in-play bets, proposition bets, pools, pari-mutuel sports 1051  
wagering pools, straight bets, or any other type of wagering on 1052  
sporting events approved by the commission. "Sports gaming" does 1053  
not include any of the following: 1054

(1) Pari-mutuel betting on the outcome of a horse race 1055  
authorized under Chapter 3769. of the Revised Code; 1056

(2) Video lottery terminals authorized under this chapter; 1057

(3) Other lottery games of the state lottery authorized 1058  
under this chapter and operated by the state lottery commission; 1059

(4) Casino gaming authorized under Section 6(C) of Article 1060  
XV, Ohio Constitution and Chapter 3772. of the Revised Code; 1061

(5) Fantasy contests authorized under Chapter 3774. of the 1062  
Revised Code. 1063

(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. 1064  
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(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. 1071  
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(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. 1075  
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(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. 1079  
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(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. 1085  
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(L) "Sports gaming licensee" means a person who holds a valid sports gaming license. 1090  
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(M) "Sports gaming receipts" has the same meaning as in 1092

section 5753.01 of the Revised Code. 1093

(N) "Sports governing body" means a regional, national, or 1094  
international organization having ultimate authority over the 1095  
rules and codes of conduct with respect to a sporting event and 1096  
the participants in the sporting event. 1097

(O) "Video lottery sales agent" means an agent of the 1098  
state lottery authorized to operate an electronic device 1099  
approved by the state lottery commission that provides immediate 1100  
prize determinations for participants on an electronic display 1101  
that is located at a facility owned by a holder of a permit as 1102  
defined in rule 3769-1-05 of the Administrative Code. 1103

(P) "Wager" means to purchase a sports gaming lottery 1104  
ticket through which a sum of money or thing of value is risked 1105  
on an uncertain occurrence. 1106

**Sec. 3770.31.** (A) In all cases in which this chapter 1107  
requires or allows the commission to adopt rules concerning 1108  
sports gaming, the commission shall adopt those rules under 1109  
Chapter 119. of the Revised Code. 1110

(B) The commission shall adopt rules that include all of 1111  
the following: 1112

(1) Procedures for a sports gaming agent to accept wagers 1113  
on a sporting event or series of sporting events; 1114

(2) The maximum wager that a sports gaming agent may 1115  
accept from any one individual on any one sporting event; 1116

(3) The types of wagering tickets to be used; 1117

(4) The manner in which tickets are issued; 1118

(5) The type of records to be kept by sports gaming 1119

<u>licensees;</u>	1120
<u>(6) The system to be used to place a wager;</u>	1121
<u>(7) Protections for a player placing a wager;</u>	1122
<u>(8) Measures to promote responsible sports gaming;</u>	1123
<u>(9) Penalties and fines for violating this section or</u> <u>rules adopted under this section;</u>	1124 1125
<u>(10) A prohibition against sports gaming advertising</u> <u>targeting individuals under twenty-one years of age;</u>	1126 1127
<u>(11) Any other procedure or thing the commission</u> <u>determines necessary to ensure the integrity of sports gaming.</u>	1128 1129
<u>(C) The commission may, independently or at the request of</u> <u>any person, including a sports governing body, adopt rules to</u> <u>prohibit wagering on a particular type of sporting event or to</u> <u>prohibit a particular type of wager.</u>	1130 1131 1132 1133
<u>(D) The commission shall adopt rules establishing minimum</u> <u>internal control standards for the administration of sports</u> <u>gaming operations, sports gaming equipment, systems, or other</u> <u>items used to conduct sports gaming, and the maintenance of</u> <u>financial records and other required records. The commission may</u> <u>approve minimum internal control standards proposed by sports</u> <u>gaming agents.</u>	1134 1135 1136 1137 1138 1139 1140
<u>(E) The commission shall approve sports gaming equipment</u> <u>and shall adopt rules requiring sports gaming licensees and</u> <u>sports gaming facilities to use only approved sports gaming</u> <u>equipment.</u>	1141 1142 1143 1144
<u>(F) The commission shall determine a person's eligibility</u> <u>to hold or renew a sports gaming license, shall issue all sports</u>	1145 1146

gaming licenses, and shall maintain a record of all sports 1147  
gaming licenses issued under this chapter. The commission shall 1148  
accept applications, evaluate qualifications of applicants, and 1149  
undertake initial review of sports gaming licenses before the 1150  
commission has adopted rules governing issuing sports gaming 1151  
licenses under this chapter. 1152

(G) The commission shall levy and collect all fees, 1153  
surcharges, and civil penalties imposed under this chapter and 1154  
rules adopted under this chapter and shall deposit all moneys 1155  
collected into the sports gaming revenue fund created under 1156  
section 5753.031 of the Revised Code. 1157

(H) The commission, in an adjudication conducted under 1158  
Chapter 119. of the Revised Code, may penalize, limit, 1159  
condition, restrict, suspend, revoke, deny, or refuse to renew 1160  
the sports wagering license of any licensee or applicant. The 1161  
commission may take into account any relevant aggravating or 1162  
mitigating factors without in any manner limiting the 1163  
commission's authority to impose the level and type of 1164  
discipline the commission considers appropriate. 1165

(I) The commission may adopt rules that establish 1166  
standards for advertising on items that are used in the conduct 1167  
of, or to promote, a sports gaming event. The commission may 1168  
develop its own advertising or enter into a contract for 1169  
advertising services. Any revenue the commission derives from 1170  
the sale of advertising on sports gaming equipment shall be 1171  
deposited into the sports gaming revenue fund. 1172

(J) The commission may make statewide aggregated, 1173  
anonymized sports gaming data available to sports governing 1174  
bodies through the monitoring system described in division (L) 1175  
(1) of section 3770.02 of the Revised Code in order to ensure 1176

the integrity of sports gaming. 1177

Sec. 3770.32. (A) Except for a veteran's or fraternal 1178  
organization that offers sports gaming under section 3770.331 of 1179  
the Revised Code, no person shall operate, conduct, or assist in 1180  
operating or conducting sports gaming in this state without 1181  
first obtaining an appropriate sports gaming license from the 1182  
state lottery commission. 1183

(B) (1) Except as otherwise required under division (B) (2) 1184  
of this section, each person applying for a sports gaming 1185  
license issued under this chapter shall submit one complete set 1186  
of fingerprints directly to the superintendent of the bureau of 1187  
criminal identification and investigation for the purpose of 1188  
conducting a criminal records check. The person shall provide 1189  
the fingerprints using a method the superintendent of the bureau 1190  
of criminal identification and investigation prescribes pursuant 1191  
to division (C) (2) of section 109.572 of the Revised Code and 1192  
fill out the form the superintendent of the bureau of criminal 1193  
identification and investigation prescribes pursuant to division 1194  
(C) (1) of section 109.572 of the Revised Code. Upon receiving an 1195  
application under this section, the director of the state 1196  
lottery commission shall request the superintendent of the 1197  
bureau of criminal identification and investigation, or a vendor 1198  
approved by the bureau, to conduct a criminal records check 1199  
based on the applicant's fingerprint impressions in accordance 1200  
with division (A) (18) of section 109.572 of the Revised Code. 1201  
Any fee required under division (C) (3) of section 109.572 of the 1202  
Revised Code shall be paid by the applicant, or in the case of 1203  
an occupational license, by the applicant's employer. The state 1204  
lottery commission may require additional criminal records 1205  
checks from a licensee applying to renew a sports gaming 1206  
license, and any applicant convicted of any disqualifying 1207

offense as described in division (A) (3) of section 3770.36 of 1208  
the Revised Code shall not be issued a license. 1209

(2) If an applicant for a sports gaming license under this 1210  
chapter underwent a criminal records check during the previous 1211  
three years for the purpose of obtaining or renewing a video 1212  
lottery license issued by the state lottery commission or a 1213  
license issued under Chapter 3772. of the Revised Code, the 1214  
applicant was issued that license or had the license renewed, 1215  
and the state lottery commission or the Ohio casino control 1216  
commission, as applicable, has a record of the result of the 1217  
applicant's criminal records check, the applicant shall not be 1218  
required to undergo an additional criminal records check under 1219  
division (B) (1) of this section. The state lottery commission 1220  
shall use the result of the previous criminal records check 1221  
obtained from its own records or from the records of the Ohio 1222  
casino control commission to determine whether the applicant has 1223  
been convicted of a disqualifying offense as described in 1224  
division (A) (3) of section 3770.36 of the Revised Code. 1225

(C) The state lottery commission shall not grant a sports 1226  
gaming agent or management services provider license until it 1227  
has determined that each person who has control of the applicant 1228  
has met the qualifications for sports gaming licensure 1229  
established in this chapter and in rules adopted by the 1230  
commission. All of the following persons are considered to have 1231  
control of an applicant: 1232

(1) Each person associated with a corporate applicant, 1233  
including any corporate holding company, parent company, or 1234  
subsidiary company of the applicant that has the ability to 1235  
control the activities of the corporate applicant or elect a 1236  
majority of the board of directors of that corporation, other 1237

than any bank or other licensed lending institution that holds a 1238  
mortgage or other lien acquired in the course of ordinary 1239  
business; 1240

(2) Each person associated with a noncorporate applicant 1241  
that directly or indirectly holds a beneficial or proprietary 1242  
interest in the applicant's business operation or that the 1243  
commission otherwise determines has the ability to control the 1244  
applicant; 1245

(3) Key personnel of an applicant, including any 1246  
executive, employee, or agency, having the power to exercise 1247  
significant influence over decisions concerning any part of the 1248  
applicant's business operation. 1249

(D) A sports gaming agent or management services provider 1250  
shall display its license conspicuously in its place of business 1251  
or have the license available for inspection by any agent of the 1252  
state lottery commission or any law enforcement agency. Each 1253  
holder of an occupational license issued under section 3770.35 1254  
of the Revised Code shall have an indicator of licensure 1255  
prominently displayed when present in a sports gaming facility 1256  
at all times, in accordance with the rules of the commission. 1257

(E) A sports gaming licensee shall give the state lottery 1258  
commission written notice within thirty days of any change to 1259  
any information provided in the licensee's application for a 1260  
license or renewal. 1261

**Sec. 3770.33.** (A) Except for a veteran's or fraternal 1262  
organization that offers sports gaming under section 3770.331 of 1263  
the Revised Code, no person shall offer sports gaming in this 1264  
state without first obtaining a sports gaming agent license from 1265  
the commission. The commission shall not operate as a sports 1266

gaming agent and shall not issue a sports gaming agent license 1267  
except as provided in this section. 1268

(B) Only a casino operator or a video lottery sales agent 1269  
may apply for a sports gaming agent license. The commission 1270  
shall issue a sports gaming agent license to an applicant that 1271  
does all of the following: 1272

(1) Submits a written application on a form furnished by 1273  
the commission; 1274

(2) Pays a nonrefundable application fee of one hundred 1275  
thousand dollars; 1276

(3) Agrees to a minimum capital investment as approved by 1277  
the commission; 1278

(4) Commits to employing a certain number of individuals 1279  
on a full-time basis as approved by the commission; 1280

(5) Does one of the following: 1281

(a) Gives to the state a surety bond, in an amount and in 1282  
the form approved by the commission, to guarantee that the 1283  
applicant faithfully makes all payments required by this chapter 1284  
and rules adopted under this chapter; 1285

(b) Increases the amount of an existing surety bond given 1286  
to the state as a condition of licensure as a video lottery 1287  
sales agent or casino operator by an amount approved by the 1288  
commission and conditions the increased amount of the surety 1289  
bond on the applicant faithfully making all payments required by 1290  
this chapter and rules adopted under this chapter. 1291

(6) Submits an audit of the applicant's financial 1292  
transactions and the condition of the applicant's total 1293  
operations for the previous fiscal year prepared by a certified 1294

public accountant in accordance with generally accepted 1295  
accounting principles and state and federal laws; 1296

(7) Satisfies any other conditions for licensure required 1297  
under this chapter and rules adopted under this chapter, 1298  
provided that the commission's rules shall not require an 1299  
applicant for a sports gaming agent license to take action to 1300  
satisfy any additional requirement for that license that is 1301  
substantially similar to any requirement the applicant 1302  
previously has satisfied in order to obtain or renew the 1303  
applicant's video lottery sales agent license or casino operator 1304  
license. 1305

(C) (1) The term of a sports gaming agent license shall be 1306  
concurrent with the term of the sports gaming agent's casino 1307  
operator license issued by the Ohio casino control commission 1308  
under Chapter 3772. of the Revised Code and the rules adopted 1309  
under that chapter or of the sports gaming agent's video lottery 1310  
sales agent license issued by the state lottery commission under 1311  
this chapter and the rules adopted under this chapter, as 1312  
applicable. 1313

(2) Upon the expiration of a sports gaming agent license, 1314  
the sports gaming agent may renew the license, unless any of the 1315  
following are true: 1316

(a) The license is suspended or revoked. 1317

(b) The sports gaming agent's casino operator license or 1318  
video lottery sales agent license is suspended or revoked. 1319

(c) The commission determines that the sports gaming agent 1320  
is not in compliance with this chapter and the rules adopted 1321  
under this chapter. 1322

(3) The sports gaming agent shall pay a nonrefundable 1323

renewal fee of one hundred thousand dollars or one per cent of 1324  
the sports gaming agent's total gross receipts received from the 1325  
operation of sports gaming in this state during the previous 1326  
year, whichever is less. 1327

(D) No sports gaming agent shall permit a person other 1328  
than the sports gaming agent to offer sports gaming on behalf of 1329  
the sports gaming agent, except as permitted under sections 1330  
3770.331 and 3770.34 of the Revised Code. 1331

(E) For each fiscal year during which a sports gaming 1332  
agent offers sports gaming under this chapter, the sports gaming 1333  
agent shall submit to the commission an audit of the sports 1334  
gaming agent's financial transactions and the condition of the 1335  
sports gaming agent's total operations prepared by a certified 1336  
public accountant in accordance with generally accepted 1337  
accounting principles and applicable state and federal laws. 1338

**Sec. 3770.331.** (A) As used in this section, "fraternal 1339  
organization" and "veteran's organization" have the same 1340  
meanings as in section 2915.01 of the Revised Code. 1341

(B) The commission shall adopt rules to permit a veteran's 1342  
or fraternal organization to contract with a sports gaming agent 1343  
to offer sports gaming through the sports gaming agent using a 1344  
single piece of sports gaming equipment located in the 1345  
organization's facility. The rules shall do all of the 1346  
following: 1347

(1) Require the veteran's or fraternal organization to 1348  
permit only individuals who are members of the organization to 1349  
participate in sports gaming offered by the organization; 1350

(2) Require the organization to pay to the commission a 1351  
nonrefundable application fee of one thousand dollars; 1352

(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; 1353  
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(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; 1356  
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(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; 1360  
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(6) Provide for any other procedure or thing the commission determines necessary to complete its duties under this section. 1364  
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(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. 1367  
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(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 1377  
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organization and the sports gaming agent may renew the contract. 1382  
Upon renewing the contract, the organization shall pay to the 1383  
commission a nonrefundable renewal fee of one thousand dollars. 1384

**Sec. 3770.34.** (A) A sports gaming agent may contract with 1385  
a management services provider to offer sports gaming on the 1386  
sports gaming agent's behalf, either in a sports gaming facility 1387  
or in another manner authorized by the commission, in accordance 1388  
with this chapter and with the rules adopted by the commission 1389  
under this chapter. The management services provider shall be 1390  
licensed under this section before entering into a contract with 1391  
the sports gaming agent for that purpose. 1392

(B) An applicant for a management services provider 1393  
license shall meet all requirements for licensure and shall pay 1394  
a nonrefundable license and application fee of one thousand 1395  
dollars. The commission may accept another jurisdiction's 1396  
license, if the commission determines it has similar licensing 1397  
requirements, as evidence that the applicant meets the 1398  
requirements for a license issued under this section. The 1399  
commission may adopt rules establishing additional requirements 1400  
to obtain a management services provider license, provided that 1401  
the commission's rules shall not require an applicant for a 1402  
management services provider license that currently holds a 1403  
video lottery license issued by the commission or a license 1404  
issued under Chapter 3772. of the Revised Code to take action to 1405  
satisfy any additional requirement for the management services 1406  
provider license that is substantially similar to any 1407  
requirement the applicant previously has satisfied in order to 1408  
obtain or renew the applicant's video lottery license or license 1409  
issued under Chapter 3772. of the Revised Code. 1410

(C) A management services provider license shall be valid 1411

for a term of one year. The commission shall renew a license for 1412  
any management services provider that remains in compliance with 1413  
all requirements for the license and pays an annual renewal fee 1414  
of one thousand dollars. 1415

(D) In order to permit a management services provider to 1416  
offer sports gaming on behalf of a sports gaming agent, the 1417  
sports gaming agent and the management services provider shall 1418  
enter into a written contract that has been approved by the 1419  
commission. If the sports gaming agent and the management 1420  
services provider wish to make a material change to the 1421  
contract, the sports gaming agent first shall submit the change 1422  
to the commission for its approval or rejection. The sports 1423  
gaming agent or the management services provider may not assign, 1424  
delegate, subcontract, or transfer the management service 1425  
provider's duties and responsibilities under the contract to a 1426  
third party without the prior approval of the commission. Such a 1427  
third party shall be licensed as a management services provider 1428  
under this section before providing those services. 1429

(E) The provisions of this chapter concerning a sports 1430  
gaming agent apply to a management services provider that 1431  
contracts with the sports gaming agent with respect to all 1432  
rights, duties, and liabilities of the sports gaming agent 1433  
assigned, delegated, subcontracted, or transferred to the 1434  
management services provider as though the management services 1435  
provider were a sports gaming agent. 1436

**Sec. 3770.35.** (A) Except for an individual who is employed 1437  
by a veteran's or fraternal organization to be engaged in sports 1438  
gaming-related activities under section 3770.331 of the Revised 1439  
Code, an individual who is employed to be engaged directly in 1440  
sports gaming-related activities in this state, or otherwise to 1441

conduct or operate sports gaming in this state, shall hold an 1442  
appropriate and valid sports gaming occupational license issued 1443  
by the commission at all times. The commission shall issue a 1444  
sports gaming occupational license to an individual who meets 1445  
the requirements of this chapter and of the commission's rules, 1446  
provided that the commission's rules shall not require an 1447  
applicant for a sports gaming occupational license who currently 1448  
holds a video lottery license issued by the commission or a 1449  
license issued under Chapter 3772. of the Revised Code to take 1450  
action to satisfy any additional requirement for the sports 1451  
gaming occupational license that is substantially similar to any 1452  
requirement the applicant previously has satisfied in order to 1453  
obtain or renew the applicant's video lottery license or license 1454  
issued under Chapter 3772. of the Revised Code. 1455

(B) A sports gaming occupational license permits the 1456  
licensee to be employed in the capacity the commission 1457  
designates during the duration of the license. The commission 1458  
may establish by rule job classifications with different 1459  
requirements. 1460

(C) An applicant for a sports gaming occupational license 1461  
shall apply for the license on a form prescribed by the 1462  
commission and shall pay a nonrefundable application fee of one 1463  
hundred dollars. An applicant's employer may pay the fee on 1464  
behalf of the applicant. 1465

(D) The commission may adopt rules allowing an individual 1466  
who holds a sports gaming occupational license from another 1467  
jurisdiction to be licensed in this state by reciprocity, so 1468  
long as that jurisdiction's requirements to receive that license 1469  
and the activities authorized by the license are substantially 1470  
similar to those of this state with respect to the license the 1471

individual seeks. 1472

(E) A sports gaming occupational license shall be valid 1473  
for a term of three years, provided that if the individual also 1474  
holds a video lottery license issued by the commission or a 1475  
license issued under Chapter 3772. of the Revised Code, the term 1476  
of the individual's sports gaming occupational license shall be 1477  
concurrent with that other license. In order to renew a sports 1478  
gaming occupational license, the licensee shall apply to the 1479  
commission on a form prescribed by the commission and shall pay 1480  
to the commission a nonrefundable renewal fee of one hundred 1481  
dollars. The licensee's employer may pay the fee on behalf of 1482  
the licensee. 1483

**Sec. 3770.36.** (A) The commission shall not grant a sports 1484  
gaming license to an applicant if evidence satisfactory to the 1485  
commission exists that the applicant has done any of the 1486  
following: 1487

(1) Knowingly made a false statement of a material fact to 1488  
the commission; 1489

(2) Been suspended from operating a gambling game, gaming 1490  
device, or gaming operation, or had a license revoked by any 1491  
governmental unit of a national, state, or local body exercising 1492  
governmental functions, other than the United States government; 1493

(3) Been convicted of a disqualifying offense, which shall 1494  
be a crime of moral turpitude, a gambling-related offense, a 1495  
theft or fraud offense, or has otherwise demonstrated a lack of 1496  
respect for law and order as demonstrated in the criminal 1497  
records check conducted under section 3770.32 of the Revised 1498  
Code; 1499

(4) Been directly employed by any offshore wagering market 1500

that illegally serviced the United States or otherwise accepted 1501  
illegal wagers from individuals located in the United States. 1502

(B) The commission may deny a sports gaming agent license 1503  
to any applicant, reprimand any sports gaming agent, or suspend 1504  
or revoke a sports gaming agent license if any of the following 1505  
are true: 1506

(1) The applicant or sports gaming agent has not 1507  
demonstrated to the commission's satisfaction financial 1508  
responsibility sufficient to adequately meet the requirements of 1509  
the enterprise. 1510

(2) The applicant or sports gaming agent is not the true 1511  
owner of the business or is not the sole owner and has not 1512  
disclosed the existence or identity of other persons who have an 1513  
ownership interest in the business. 1514

(3) The applicant or sports gaming agent is a corporation 1515  
that sells more than five per cent of a sports gaming agent's 1516  
voting stock, or more than five per cent of the voting stock of 1517  
a corporation that controls the sports gaming agent, or sells a 1518  
sports gaming agent's assets, other than those bought and sold 1519  
in the ordinary course of business, or any interest in the 1520  
assets, to any person not already determined by the commission 1521  
to have met the qualifications of a sports gaming agent. 1522

(C) The commission shall not grant a sports gaming license 1523  
to an individual who is under twenty-one years of age or to an 1524  
employee of the commission. 1525

**Sec. 3770.37.** A sports gaming agent shall adopt 1526  
comprehensive house rules for game play governing sports gaming 1527  
transactions with its patrons, including rules that specify the 1528  
amounts to be paid on winning wagers and the effect of schedule 1529

changes, and shall submit them to the commission for approval 1530  
before implementing them. The sports gaming agent shall publish 1531  
its house rules as part of its minimum internal control 1532  
standards, shall display the house rules, together with any 1533  
other information the commission considers appropriate, 1534  
conspicuously in each sports gaming facility and in any other 1535  
place or manner prescribed by the commission, and shall make 1536  
copies of its house rules readily available to patrons. 1537

Sec. 3770.38. A sports gaming agent shall do all of the 1538  
following: 1539

(A) Conduct all sports gaming activities and functions in 1540  
a manner that does not pose a threat to the public health, 1541  
safety, or welfare of the citizens of this state; 1542

(B) Assist the commission in maximizing sports gaming 1543  
revenues; 1544

(C) Keep current in all payments and obligations to the 1545  
commission; 1546

(D) Acquire sports gaming equipment by purchase, lease, or 1547  
other assignment and provide a secure location for the 1548  
placement, operation, and play of sports gaming equipment; 1549

(E) Prevent any person from tampering with or interfering 1550  
with the operation of sports gaming; 1551

(F) Ensure that sports gaming conducted at a sports gaming 1552  
facility is within the sight and control of designated employees 1553  
of the sports gaming agent and that sports gaming is conducted 1554  
under continuous observation by security equipment in conformity 1555  
with the specifications and requirements of the commission; 1556

(G) Ensure that sports gaming occurs only in the locations 1557

and manner approved by the commission; 1558

(H) Ensure that all sports gaming is monitored through a 1559  
centralized lottery gaming system; 1560

(I) Ensure that all sports gaming equipment owned or 1561  
operated by the sports gaming agent is connected to and 1562  
monitored through a centralized lottery gaming system; 1563

(J) Conspicuously post a notice at each sports gaming 1564  
facility and in every other place required by the commission, 1565  
indicating the minimum and maximum wagers permitted, and comply 1566  
with those limits; 1567

(K) Maintain sufficient funds and other supplies to 1568  
conduct sports gaming at all times; 1569

(L) Maintain daily records showing the sports gaming 1570  
agent's sports gaming receipts and timely file with the 1571  
commission any additional reports required by rule or by other 1572  
provisions of the Revised Code. 1573

**Sec. 3770.39.** (A) (1) A sports gaming agent shall accept 1574  
wagers on sporting events only from individuals who are at least 1575  
twenty-one years of age and who are physically present in this 1576  
state, and only using sports gaming equipment approved in 1577  
accordance with this chapter. 1578

(2) (a) Except as otherwise provided in division (A) (2) (b) 1579  
of this section, before accepting any wager on a sporting event 1580  
from an individual, the sports gaming agent shall require the 1581  
individual to register with the sports gaming agent, provide the 1582  
individual's full legal name and any other information required 1583  
by the commission or requested by the sports gaming agent, and 1584  
place all wagers on sporting events placed with the sports 1585  
gaming agent through that registration. 1586

(b) A sports gaming agent may accept an anonymous wager 1587  
from an individual who is physically present in a sports gaming 1588  
facility, so long as the amount of the wager does not exceed a 1589  
dollar limit determined by the commission by rule. 1590

(3) (a) An employee of a sports gaming agent who is between 1591  
eighteen and twenty-one years of age may be present in a sports 1592  
gaming facility, so long as the employee's duties are not 1593  
related to sports gaming. 1594

(b) An individual who is under twenty-one years of age may 1595  
enter a sports gaming facility in order to pass to another area 1596  
where sports gaming is not being conducted, but only if the 1597  
individual is personally escorted by an employee of the sports 1598  
gaming agent who remains in close proximity to the individual at 1599  
all times in accordance with the rules of the commission. 1600

(B) (1) The commission may exclude any individual from 1601  
entering a sports gaming facility or the grounds of a sports 1602  
gaming facility or from participating in the play or operation 1603  
of sports gaming. The commission shall keep a list of all 1604  
excluded individuals and shall make that list available to each 1605  
sports gaming agent. No individual who is on the commission's 1606  
exclusion list shall enter a sports gaming facility or the 1607  
grounds of a sports gaming facility or participate in the play 1608  
or operation of sports gaming under this chapter. 1609

(2) (a) A sports gaming agent may exclude any individual 1610  
from entering a sports gaming facility, or the grounds of a 1611  
sports gaming facility, that is under the control of the sports 1612  
gaming agent and may exclude any individual from participating 1613  
in the play or operation of sports gaming conducted by the 1614  
sports gaming agent. The sports gaming agent shall keep a list 1615  
of all excluded individuals. No individual who is on a sports 1616

gaming agent's exclusion list shall enter a sports gaming 1617  
facility, or the grounds of a sports gaming facility, that is 1618  
under the control of the sports gaming agent or participate in 1619  
the play or operation of sports gaming conducted by the sports 1620  
gaming agent under this chapter. 1621

(b) If a sports gaming agent excludes an individual 1622  
because the sports gaming agent determines that the individual 1623  
engaged or attempted to engage in any sports gaming related 1624  
activity that is prohibited under this chapter or under the 1625  
commission's rules, the sports gaming agent shall report that 1626  
fact to the commission, and the commission shall place that 1627  
individual on the commission's exclusion list. 1628

(C) No person who is on the voluntary exclusion list 1629  
described in section 3772.01 of the Revised Code shall 1630  
participate in the play or operation of sports gaming under this 1631  
chapter. 1632

(D) No employee of a sports gaming agent shall engage in 1633  
any sports gaming conducted by the sports gaming agent. 1634

(E) No employee of the commission shall knowingly wager or 1635  
be paid any prize from any wager placed with a sports gaming 1636  
agent in this state or with any person or entity located outside 1637  
this state that is directly or indirectly owned or operated by a 1638  
sports gaming agent. 1639

**Sec. 3770.40.** (A) All shipments of gambling devices, 1640  
including any sports gaming equipment, to sports gaming 1641  
facilities in this state are legal shipments of gambling devices 1642  
into this state, as long as the supplier has completed the 1643  
registering, recording, and labeling of the equipment in 1644  
accordance with the "Gambling Devices Act of 1962," 15 U.S.C. 1645

1171 to 1178. 1646

(B) This state is exempt from section 2 of the "Gambling  
Devices Act of 1962," 15 U.S.C. 1172. 1647  
1648

**Sec. 3770.99.** (A) Whoever is prohibited from claiming a 1649  
lottery prize award under division (E) of section 3770.07 of the 1650  
Revised Code and attempts to claim or is paid a lottery prize 1651  
award is guilty of a minor misdemeanor, and shall provide 1652  
restitution to the state lottery commission of any moneys 1653  
erroneously paid as a lottery prize award to that person. 1654

(B) Whoever violates division (C) of section 3770.071 or 1655  
section 3770.08 of the Revised Code is guilty of a misdemeanor 1656  
of the third degree. 1657

(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: 1658  
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1660

(1) Makes a false statement on an application submitted  
under the provisions of this chapter governing sports gaming; 1661  
1662

(2) Permits an individual under twenty-one years of age to  
engage in sports gaming; 1663  
1664

(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; 1665  
1666  
1667

(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; 1668  
1669  
1670

(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 1671  
1672  
1673

gaming or as part of the employee's employment. 1674

(D) Whoever knowingly does any of the following commits a 1675  
felony of the fifth degree on a first offense and a felony of 1676  
the fourth degree on a subsequent offense. If the person is a 1677  
sports gaming licensee under this chapter, the commission shall 1678  
revoke the person's license after the first offense. 1679

(1) Offers, promises, or gives anything of value to anyone 1680  
for the purpose of influencing the outcome of a sporting event 1681  
or attempts to do so; 1682

(2) Places, increases, or decreases a wager after 1683  
acquiring knowledge not available to the general public that 1684  
anyone has been offered, promised, or given anything of value 1685  
for the purpose of influencing the outcome of the sporting event 1686  
upon which the wager is placed, increased, or decreased, or 1687  
attempts to do so; 1688

(3) Manufactures, sells, or distributes any device that is 1689  
intended by that person to be used to violate any provision of 1690  
this chapter or the sports gaming laws of any other state; 1691

(4) Places a bet or aids any other person in placing a bet 1692  
on a sporting event after unlawfully acquiring knowledge of the 1693  
outcome on which winnings from that bet are contingent; 1694

(5) Claims, collects, or takes anything of value from a 1695  
sports gaming agent with intent to defraud or attempts to do so 1696  
without having made a wager in which the amount or value is 1697  
legitimately won or owed; 1698

(6) Places a wager using counterfeit currency or other 1699  
counterfeit form of credit approved for wagering; 1700

(7) Possesses any device intended to be used to violate 1701

the provisions of this chapter governing sports wagering or any 1702  
rule adopted under this chapter or any materials used to 1703  
manufacture such a device. This division does not apply to a 1704  
sports gaming agent or to an agent or employee of a sports 1705  
gaming agent who is acting in furtherance of the sports gaming 1706  
agent's interest. 1707

(8) Operates sports gaming in a manner other than the 1708  
manner required under this chapter. Premises used or occupied in 1709  
violation of this division constitute a nuisance subject to 1710  
abatement under Chapter 3767. of the Revised Code. 1711

(E) Whoever knowingly does any of the following commits a 1712  
felony of the third degree. If the person is a sports gaming 1713  
licensee under this chapter, the commission shall revoke the 1714  
person's license after the first offense. 1715

(1) Offers, promises, or gives anything of value or 1716  
benefit to a person who is connected with a sports gaming agent 1717  
or to an agent or employee of a sports gaming agent, under an 1718  
agreement to influence, or with the intent to influence, the 1719  
actions of the person to whom the offer, promise, or gift is 1720  
made in order to affect or attempt to affect the outcome of 1721  
sports gaming conducted under this chapter or an official action 1722  
of a member, agent, or employee of the commission; 1723

(2) Solicits, accepts, or receives a promise of anything 1724  
of value or benefit while the person is connected with a sports 1725  
gaming agent or an agent or employee of a sports gaming agent, 1726  
under an agreement to influence, or with the intent to 1727  
influence, the actions of the person to affect or attempt to 1728  
affect the outcome of sports gaming conducted under this chapter 1729  
or an official action of a member, agent, or employee of the 1730  
commission. 1731

(F) Whoever knowingly does any of the following while 1732  
participating in sports gaming or otherwise transacting with a 1733  
sports gaming agent as permitted under this chapter commits a 1734  
felony of the fifth degree on a first offense and a felony of 1735  
the fourth degree on a subsequent offense: 1736

(1) Causes or attempts to cause a sports gaming agent to 1737  
fail to file a report required under 31 U.S.C. 5313(a) or 5325 1738  
or any regulation prescribed thereunder or section 1315.53 of 1739  
the Revised Code, or to fail to file a report or maintain a 1740  
record required by an order issued under section 21 of the 1741  
"Federal Deposit Insurance Act" or section 123 of Pub. L. No. 1742  
91-508; 1743

(2) Causes or attempts to cause a sports gaming agent to 1744  
file a report under 31 U.S.C. 5313(a) or 5325 or any regulation 1745  
prescribed thereunder or section 1315.53 of the Revised Code, to 1746  
file a report or to maintain a record required by any order 1747  
issued under 31 U.S.C. 3126, or to maintain a record required 1748  
under any regulation prescribed under section 21 of the "Federal 1749  
Deposit Insurance Act" or section 123 of Pub. L. No. 91-508 that 1750  
contains a material omission or misstatement of fact; 1751

(3) With one or more sports gaming agents, structures a 1752  
transaction, is complicit in structuring a transaction, attempts 1753  
to structure a transaction, or is complicit in an attempt to 1754  
structure a transaction. As used in this division: 1755

(a) To be "complicit" means to engage in any conduct of a 1756  
type described in divisions (A) (1) to (4) of section 2923.03 of 1757  
the Revised Code. 1758

(b) "Structure a transaction" has the same meaning as in 1759  
section 1315.51 of the Revised Code. 1760

(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; 1790  
1791  
1792
- (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; 1793  
1794  
1795  
1796  
1797
- (5) The minimum amount of insurance that must be maintained by a casino operator, management company, holding company, or gaming-related vendor; 1798  
1799  
1800
- (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; 1801  
1802  
1803
- (7) The design of gaming supplies, devices, and equipment to be distributed by gaming-related vendors; 1804  
1805
- (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; 1806  
1807  
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1813
- (9) Tournament play in any casino facility; 1814
- (10) Establishing and implementing a voluntary exclusion program that provides all of the following: 1815  
1816
- (a) Except as provided by commission rule, a person who 1817

participates in the program shall agree to refrain from entering 1818  
a casino facility. 1819

(b) The name of a person participating in the program 1820  
shall be included on a list of persons excluded from all casino 1821  
facilities. 1822

(c) Except as provided by commission rule, no person who 1823  
participates in the program shall petition the commission for 1824  
admittance into a casino facility. 1825

(d) The list of persons participating in the program and 1826  
the personal information of those persons shall be confidential 1827  
and shall only be disseminated by the commission to a casino 1828  
operator and the agents and employees of the casino operator for 1829  
purposes of enforcement and to other entities, upon request of 1830  
the participant and agreement by the commission. 1831

(e) A casino operator shall make all reasonable attempts 1832  
as determined by the commission to cease all direct marketing 1833  
efforts to a person participating in the program. 1834

(f) A casino operator shall not cash the check of a person 1835  
participating in the program or extend credit to the person in 1836  
any manner. However, the program shall not exclude a casino 1837  
operator from seeking the payment of a debt accrued by a person 1838  
before participating in the program. 1839

(g) Any and all locations at which a person may register 1840  
as a participant in the program shall be published. 1841

(11) Requiring the commission to adopt standards regarding 1842  
the marketing materials of a licensed casino operator, including 1843  
allowing the commission to prohibit marketing materials that are 1844  
contrary to the adopted standards; 1845

(12) Requiring that the records, including financial 1846  
statements, of any casino operator, management company, holding 1847  
company, and gaming-related vendor be maintained in the manner 1848  
prescribed by the commission and made available for inspection 1849  
upon demand by the commission, but shall be subject to section 1850  
3772.16 of the Revised Code; 1851

(13) Permitting a licensed casino operator, management 1852  
company, key employee, or casino gaming employee to question a 1853  
person suspected of violating this chapter; 1854

(14) The chips, tokens, tickets, electronic cards, or 1855  
similar objects that may be purchased by means of an agreement 1856  
under which credit is extended to a wagerer by a casino 1857  
operator; 1858

(15) Establishing standards for provisional key employee 1859  
licenses for a person who is required to be licensed as a key 1860  
employee and is in exigent circumstances and standards for 1861  
provisional licenses for casino gaming employees who submit 1862  
complete applications and are compliant under an instant 1863  
background check. A provisional license shall be valid not 1864  
longer than three months. A provisional license may be renewed 1865  
one time, at the commission's discretion, for an additional 1866  
three months. In establishing standards with regard to instant 1867  
background checks the commission shall take notice of criminal 1868  
records checks as they are conducted under section 311.41 of the 1869  
Revised Code using electronic fingerprint reading devices. 1870

(16) Establishing approval procedures for third-party 1871  
engineering or accounting firms, as described in section 3772.09 1872  
of the Revised Code; 1873

(17) Prescribing the manner in which winnings, 1874

compensation from casino gaming, and gross revenue must be 1875  
computed and reported by a licensee as described in Chapter 1876  
5753. of the Revised Code; 1877

(18) Prescribing conditions under which a licensee's 1878  
license may be suspended or revoked as described in section 1879  
3772.04 of the Revised Code; 1880

(19) Prescribing the manner and procedure of all hearings 1881  
to be conducted by the commission or by any hearing examiner; 1882

(20) Prescribing technical standards and requirements that 1883  
are to be met by security and surveillance equipment that is 1884  
used at and standards and requirements to be met by personnel 1885  
who are employed at casino facilities, and standards and 1886  
requirements for the provision of security at and surveillance 1887  
of casino facilities; 1888

(21) Prescribing requirements for a casino operator to 1889  
provide unarmed security services at a casino facility by 1890  
licensed casino employees, and the training that shall be 1891  
completed by these employees; 1892

(22) Prescribing standards according to which casino 1893  
operators shall keep accounts and standards according to which 1894  
casino accounts shall be audited, and establish means of 1895  
assisting the tax commissioner in levying and collecting the 1896  
gross casino revenue tax levied under section 5753.02 of the 1897  
Revised Code; 1898

(23) Defining penalties for violation of commission rules 1899  
and a process for imposing such penalties; 1900

(24) Establishing standards for decertifying contractors 1901  
that violate statutes or rules of this state or the federal 1902  
government; 1903

(25) Establishing standards for the repair of casino gaming equipment;	1904 1905
(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;	1906 1907 1908 1909
(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;	1910 1911 1912 1913 1914 1915 1916 1917 1918 1919
(28) Providing for any other thing necessary and proper for successful and efficient regulation of casino gaming under this chapter.	1920 1921 1922
(E) The commission shall employ and assign gaming agents as necessary to assist the commission in carrying out the duties of this chapter and <del>Chapter</del> <u>Chapters 2915. and 3770.</u> 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.	1923 1924 1925 1926 1927 1928 1929 1930 1931
(F) The commission, as a law enforcement agency, and its	1932

gaming agents, as law enforcement officers as defined in section 1933  
2901.01 of the Revised Code, shall have authority with regard to 1934  
the detection and investigation of, the seizure of evidence 1935  
allegedly relating to, and the apprehension and arrest of 1936  
persons allegedly committing violations of this chapter or 1937  
gambling offenses as defined in section 2915.01 of the Revised 1938  
Code or violations of any other law of this state that may 1939  
affect the integrity of casino gaming ~~or~~, the operation of 1940  
skill-based amusement machines, or the operation of sports 1941  
gaming, and shall have access to casino facilities, ~~and~~ skill- 1942  
based amusement machine facilities, and sports gaming facilities 1943  
to carry out the requirements of this chapter and of the 1944  
provisions of Chapter 3770. of the Revised Code governing sports 1945  
gaming. 1946

(G) The commission may eject or exclude or authorize the 1947  
ejection or exclusion of and a gaming agent may eject a person 1948  
from a casino facility for any of the following reasons: 1949

(1) The person's name is on the list of persons 1950  
voluntarily excluding themselves from all casinos in a program 1951  
established according to rules adopted by the commission; 1952

(2) The person violates or conspires to violate this 1953  
chapter or a rule adopted thereunder; or 1954

(3) The commission determines that the person's conduct or 1955  
reputation is such that the person's presence within a casino 1956  
facility may call into question the honesty and integrity of the 1957  
casino gaming operations or interfere with the orderly conduct 1958  
of the casino gaming operations. 1959

(H) A person, other than a person participating in a 1960  
voluntary exclusion program, may petition the commission for a 1961

public hearing on the person's ejection or exclusion under this chapter.	1962 1963
(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.	1964 1965 1966 1967 1968
(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:	1969 1970 1971 1972 1973 1974
(1) A statement describing the receipts and disbursements of the commission;	1975 1976
(2) Relevant financial data regarding casino gaming, including gross revenues and disbursements made under this chapter;	1977 1978 1979
(3) Actions taken by the commission;	1980
(4) An update on casino operators', management companies', and holding companies' compulsive and problem gambling plans and the voluntary exclusion program and list;	1981 1982 1983
(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;	1984 1985 1986 1987
(6) Any additional information that the commission considers useful or that the governor, president or minority	1988 1989

leader of the senate, speaker or minority leader of the house of  
representatives requests. 1990  
1991

(K) To ensure the integrity of skill-based amusement 1992  
machine operations, the commission shall have jurisdiction over 1993  
all persons conducting or participating in the conduct of skill- 1994  
based amusement machine operations authorized by this chapter 1995  
and Chapter 2915. of the Revised Code, including the authority 1996  
to complete the functions of licensing, regulating, 1997  
investigating, and penalizing those persons in a manner that is 1998  
consistent with the commission's authority to do the same with 1999  
respect to casino gaming. To carry out this division, the 2000  
commission may adopt rules under Chapter 119. of the Revised 2001  
Code, including rules establishing fees and penalties related to 2002  
the operation of skill-based amusement machines. 2003

(L) To ensure the integrity of fantasy contests, the 2004  
commission shall have jurisdiction over all persons conducting 2005  
or participating in the conduct of a fantasy contest authorized 2006  
by Chapter 3774. of the Revised Code, including the authority to 2007  
license, regulate, investigate, and penalize those persons in a 2008  
manner that is consistent with the commission's authority to do 2009  
the same with respect to skill-based amusement machines. To 2010  
carry out this division, the commission may adopt rules under 2011  
Chapter 119. of the Revised Code, including rules establishing 2012  
fees and penalties related to the operation of fantasy contests. 2013

(M) All fees imposed pursuant to the rules adopted under 2014  
divisions (K) and (L) of this section shall be deposited into 2015  
the casino control commission fund. 2016

(N) The Ohio casino control commission shall enter into an 2017  
agreement with the director of the state lottery commission to 2018  
enforce the provisions of Chapter 3770. of the Revised Code 2019

governing sports gaming. The Ohio casino control commission 2020  
shall have jurisdiction over all persons conducting or 2021  
participating in the conduct of sports gaming authorized under 2022  
Chapter 3770. of the Revised Code, including the authority to 2023  
investigate and penalize those persons. The Ohio casino control 2024  
commission shall enforce any sports gaming rules adopted by the 2025  
state lottery commission. 2026

**Sec. 5703.21.** (A) Except as provided in divisions (B) and 2027  
(C) of this section, no agent of the department of taxation, 2028  
except in the agent's report to the department or when called on 2029  
to testify in any court or proceeding, shall divulge any 2030  
information acquired by the agent as to the transactions, 2031  
property, or business of any person while acting or claiming to 2032  
act under orders of the department. Whoever violates this 2033  
provision shall thereafter be disqualified from acting as an 2034  
officer or employee or in any other capacity under appointment 2035  
or employment of the department. 2036

(B) (1) For purposes of an audit pursuant to section 117.15 2037  
of the Revised Code, or an audit of the department pursuant to 2038  
Chapter 117. of the Revised Code, or an audit, pursuant to that 2039  
chapter, the objective of which is to express an opinion on a 2040  
financial report or statement prepared or issued pursuant to 2041  
division (A) (7) or (9) of section 126.21 of the Revised Code, 2042  
the officers and employees of the auditor of state charged with 2043  
conducting the audit shall have access to and the right to 2044  
examine any state tax returns and state tax return information 2045  
in the possession of the department to the extent that the 2046  
access and examination are necessary for purposes of the audit. 2047  
Any information acquired as the result of that access and 2048  
examination shall not be divulged for any purpose other than as 2049  
required for the audit or unless the officers and employees are 2050

required to testify in a court or proceeding under compulsion of 2051  
legal process. Whoever violates this provision shall thereafter 2052  
be disqualified from acting as an officer or employee or in any 2053  
other capacity under appointment or employment of the auditor of 2054  
state. 2055

(2) For purposes of an internal audit pursuant to section 2056  
126.45 of the Revised Code, the officers and employees of the 2057  
office of internal audit in the office of budget and management 2058  
charged with directing the internal audit shall have access to 2059  
and the right to examine any state tax returns and state tax 2060  
return information in the possession of the department to the 2061  
extent that the access and examination are necessary for 2062  
purposes of the internal audit. Any information acquired as the 2063  
result of that access and examination shall not be divulged for 2064  
any purpose other than as required for the internal audit or 2065  
unless the officers and employees are required to testify in a 2066  
court or proceeding under compulsion of legal process. Whoever 2067  
violates this provision shall thereafter be disqualified from 2068  
acting as an officer or employee or in any other capacity under 2069  
appointment or employment of the office of internal audit. 2070

(3) As provided by section 6103(d)(2) of the Internal 2071  
Revenue Code, any federal tax returns or federal tax information 2072  
that the department has acquired from the internal revenue 2073  
service, through federal and state statutory authority, may be 2074  
disclosed to the auditor of state or the office of internal 2075  
audit solely for purposes of an audit of the department. 2076

(4) For purposes of Chapter 3739. of the Revised Code, an 2077  
agent of the department of taxation may share information with 2078  
the division of state fire marshal that the agent finds during 2079  
the course of an investigation. 2080

(C) Division (A) of this section does not prohibit any of 2081  
the following: 2082

(1) Divulging information contained in applications, 2083  
complaints, and related documents filed with the department 2084  
under section 5715.27 of the Revised Code or in applications 2085  
filed with the department under section 5715.39 of the Revised 2086  
Code; 2087

(2) Providing information to the office of child support 2088  
within the department of job and family services pursuant to 2089  
section 3125.43 of the Revised Code; 2090

(3) Disclosing to the motor vehicle repair board any 2091  
information in the possession of the department that is 2092  
necessary for the board to verify the existence of an 2093  
applicant's valid vendor's license and current state tax 2094  
identification number under section 4775.07 of the Revised Code; 2095

(4) Providing information to the administrator of workers' 2096  
compensation pursuant to sections 4123.271 and 4123.591 of the 2097  
Revised Code; 2098

(5) Providing to the attorney general information the 2099  
department obtains under division (J) of section 1346.01 of the 2100  
Revised Code; 2101

(6) Permitting properly authorized officers, employees, or 2102  
agents of a municipal corporation from inspecting reports or 2103  
information pursuant to section 718.84 of the Revised Code or 2104  
rules adopted under section 5745.16 of the Revised Code; 2105

(7) Providing information regarding the name, account 2106  
number, or business address of a holder of a vendor's license 2107  
issued pursuant to section 5739.17 of the Revised Code, a holder 2108  
of a direct payment permit issued pursuant to section 5739.031 2109

of the Revised Code, or a seller having a use tax account 2110  
maintained pursuant to section 5741.17 of the Revised Code, or 2111  
information regarding the active or inactive status of a 2112  
vendor's license, direct payment permit, or seller's use tax 2113  
account; 2114

(8) Releasing invoices or invoice information furnished 2115  
under section 4301.433 of the Revised Code pursuant to that 2116  
section; 2117

(9) Providing to a county auditor notices or documents 2118  
concerning or affecting the taxable value of property in the 2119  
county auditor's county. Unless authorized by law to disclose 2120  
documents so provided, the county auditor shall not disclose 2121  
such documents; 2122

(10) Providing to a county auditor sales or use tax return 2123  
or audit information under section 333.06 of the Revised Code; 2124

(11) Subject to section 4301.441 of the Revised Code, 2125  
disclosing to the appropriate state agency information in the 2126  
possession of the department of taxation that is necessary to 2127  
verify a permit holder's gallonage or noncompliance with taxes 2128  
levied under Chapter 4301. or 4305. of the Revised Code; 2129

(12) Disclosing to the department of natural resources 2130  
information in the possession of the department of taxation that 2131  
is necessary for the department of taxation to verify the 2132  
taxpayer's compliance with section 5749.02 of the Revised Code 2133  
or to allow the department of natural resources to enforce 2134  
Chapter 1509. of the Revised Code; 2135

(13) Disclosing to the department of job and family 2136  
services, industrial commission, and bureau of workers' 2137  
compensation information in the possession of the department of 2138

taxation solely for the purpose of identifying employers that 2139  
misclassify employees as independent contractors or that fail to 2140  
properly report and pay employer tax liabilities. The department 2141  
of taxation shall disclose only such information that is 2142  
necessary to verify employer compliance with law administered by 2143  
those agencies. 2144

(14) Disclosing to the Ohio casino control commission 2145  
information in the possession of the department of taxation that 2146  
is necessary to verify a casino operator's compliance with 2147  
section 5747.063 or 5753.02 of the Revised Code and sections 2148  
related thereto; 2149

(15) Disclosing to the state lottery commission 2150  
information in the possession of the department of taxation that 2151  
is necessary to verify a sports gaming or lottery sales agent's 2152  
compliance with section 5747.063, 5747.064, or 5753.021 of the 2153  
Revised Code and sections related thereto. 2154

(16) Disclosing to the development services agency 2155  
information in the possession of the department of taxation that 2156  
is necessary to ensure compliance with the laws of this state 2157  
governing taxation and to verify information reported to the 2158  
development services agency for the purpose of evaluating 2159  
potential tax credits, grants, or loans. Such information shall 2160  
not include information received from the internal revenue 2161  
service the disclosure of which is prohibited by section 6103 of 2162  
the Internal Revenue Code. No officer, employee, or agent of the 2163  
development services agency shall disclose any information 2164  
provided to the development services agency by the department of 2165  
taxation under division (C)(16) of this section except when 2166  
disclosure of the information is necessary for, and made solely 2167  
for the purpose of facilitating, the evaluation of potential tax 2168

credits, grants, or loans. 2169

(17) Disclosing to the department of insurance information 2170  
in the possession of the department of taxation that is 2171  
necessary to ensure a taxpayer's compliance with the 2172  
requirements with any tax credit administered by the development 2173  
services agency and claimed by the taxpayer against any tax 2174  
administered by the superintendent of insurance. No officer, 2175  
employee, or agent of the department of insurance shall disclose 2176  
any information provided to the department of insurance by the 2177  
department of taxation under division (C) (17) of this section. 2178

(18) Disclosing to the division of liquor control 2179  
information in the possession of the department of taxation that 2180  
is necessary for the division and department to comply with the 2181  
requirements of sections 4303.26 and 4303.271 of the Revised 2182  
Code. 2183

**Sec. 5747.02.** (A) For the purpose of providing revenue for 2184  
the support of schools and local government functions, to 2185  
provide relief to property taxpayers, to provide revenue for the 2186  
general revenue fund, and to meet the expenses of administering 2187  
the tax levied by this chapter, there is hereby levied on every 2188  
individual, trust, and estate residing in or earning or 2189  
receiving income in this state, on every individual, trust, and 2190  
estate earning or receiving lottery winnings, prizes, or awards 2191  
pursuant to Chapter 3770. of the Revised Code, on every 2192  
individual, trust, and estate earning or receiving winnings on 2193  
casino or sports gaming, and on every individual, trust, and 2194  
estate otherwise having nexus with or in this state under the 2195  
Constitution of the United States, an annual tax measured as 2196  
prescribed in divisions (A) (1) to (4) of this section. 2197

(1) In the case of trusts, the tax imposed by this section 2198

shall be measured by modified Ohio taxable income under division 2199  
(D) of this section and levied in the same amount as the tax is 2200  
imposed on estates as prescribed in division (A) (2) of this 2201  
section. 2202

(2) In the case of estates, the tax imposed by this 2203  
section shall be measured by Ohio taxable income and levied at 2204  
the rate of seven thousand four hundred twenty-five ten- 2205  
thousandths per cent for the first ten thousand five hundred 2206  
dollars of such income and, for income in excess of that amount, 2207  
at the same rates prescribed in division (A) (3) of this section 2208  
for individuals. 2209

(3) In the case of individuals, for taxable years 2210  
beginning in 2017 or thereafter, the tax imposed by this section 2211  
on income other than taxable business income shall be measured 2212  
by Ohio adjusted gross income, less taxable business income and 2213  
less an exemption for the taxpayer, the taxpayer's spouse, and 2214  
each dependent as provided in section 5747.025 of the Revised 2215  
Code. If the balance thus obtained is equal to or less than ten 2216  
thousand five hundred dollars, no tax shall be imposed on that 2217  
balance. If the balance thus obtained is greater than ten 2218  
thousand five hundred dollars, the tax is hereby levied as 2219  
follows: 2220

- OHIO ADJUSTED GROSS 2221
- INCOME LESS TAXABLE 2222
- BUSINESS INCOME AND EXEMPTIONS 2223
- (INDIVIDUALS) 2224
- OR 2225
- MODIFIED OHIO 2226
- TAXABLE INCOME (TRUSTS) 2227
- OR 2228

OHIO TAXABLE INCOME (ESTATES)	TAX	2229
More than \$10,500 but \$77.96 plus 1.980% of the amount		2230
not more than \$15,800 in excess of \$10,500		2231
More than \$15,800 but \$182.90 plus 2.476% of the amount		2232
not more than \$21,100 in excess of \$15,800		2233
More than \$21,100 but \$314.13 plus 2.969% of the amount		2234
not more than \$42,100 in excess of \$21,100		2235
More than \$42,100 but \$937.62 plus 3.465% of the amount		2236
not more than \$84,200 in excess of \$42,100		2237
More than \$84,200 but \$2,396.39 plus 3.960% of the amount		2238
not more than \$105,300 in excess of \$84,200		2239
More than \$105,300 but \$3,231.95 plus 4.597% of the amount		2240
not more than \$210,600 in excess of \$105,300		2241
More than \$210,600 \$8,072.59 plus 4.997% of the amount		2242
in excess of \$210,600		2243
(4) (a) In the case of individuals, for taxable years		2244
beginning in 2016 or thereafter, the tax imposed by this section		2245
on taxable business income shall equal three per cent of the		2246
result obtained by subtracting any amount allowed under division		2247
(A) (4) (b) of this section from the individual's taxable business		2248
income.		2249
(b) If the exemptions allowed to an individual under		2250
division (A) (3) of this section exceed the taxpayer's Ohio		2251
adjusted gross income less taxable business income, the excess		2252
shall be deducted from taxable business income before computing		2253
the tax under division (A) (4) (a) of this section.		2254
(5) Except as otherwise provided in this division, in		2255

August of each year, the tax commissioner shall make a new 2256  
adjustment to the income amounts prescribed in divisions (A) (2) 2257  
and (3) of this section by multiplying the percentage increase 2258  
in the gross domestic product deflator computed that year under 2259  
section 5747.025 of the Revised Code by each of the income 2260  
amounts resulting from the adjustment under this division in the 2261  
preceding year, adding the resulting product to the 2262  
corresponding income amount resulting from the adjustment in the 2263  
preceding year, and rounding the resulting sum to the nearest 2264  
multiple of fifty dollars. The tax commissioner also shall 2265  
recompute each of the tax dollar amounts to the extent necessary 2266  
to reflect the new adjustment of the income amounts. To 2267  
recompute the tax dollar amount corresponding to the lowest tax 2268  
rate in division (A) (3) of this section, the commissioner shall 2269  
multiply the tax rate prescribed in division (A) (2) of this 2270  
section by the income amount specified in that division and as 2271  
adjusted according to this paragraph. The rates of taxation 2272  
shall not be adjusted. 2273

The adjusted amounts apply to taxable years beginning in 2274  
the calendar year in which the adjustments are made and to 2275  
taxable years beginning in each ensuing calendar year until a 2276  
calendar year in which a new adjustment is made pursuant to this 2277  
division. The tax commissioner shall not make a new adjustment 2278  
in any year in which the amount resulting from the adjustment 2279  
would be less than the amount resulting from the adjustment in 2280  
the preceding year. 2281

(B) If the director of budget and management makes a 2282  
certification to the tax commissioner under division (B) of 2283  
section 131.44 of the Revised Code, the amount of tax as 2284  
determined under divisions (A) (1) to (3) of this section shall 2285  
be reduced by the percentage prescribed in that certification 2286

for taxable years beginning in the calendar year in which that 2287  
certification is made. 2288

(C) The levy of this tax on income does not prevent a 2289  
municipal corporation, a joint economic development zone created 2290  
under section 715.691, or a joint economic development district 2291  
created under section 715.70, 715.71, or 715.72 of the Revised 2292  
Code from levying a tax on income. 2293

(D) This division applies only to taxable years of a trust 2294  
beginning in 2002 or thereafter. 2295

(1) The tax imposed by this section on a trust shall be 2296  
computed by multiplying the Ohio modified taxable income of the 2297  
trust by the rates prescribed by division (A) of this section. 2298

(2) A resident trust may claim a credit against the tax 2299  
computed under division (D) of this section equal to the lesser 2300  
of (a) the tax paid to another state or the District of Columbia 2301  
on the resident trust's modified nonbusiness income, other than 2302  
the portion of the resident trust's nonbusiness income that is 2303  
qualifying investment income as defined in section 5747.012 of 2304  
the Revised Code, or (b) the effective tax rate, based on 2305  
modified Ohio taxable income, multiplied by the resident trust's 2306  
modified nonbusiness income other than the portion of the 2307  
resident trust's nonbusiness income that is qualifying 2308  
investment income. The credit applies before any other 2309  
applicable credits. 2310

(3) The credits enumerated in divisions (A)(1) to (9) and 2311  
(A)(18) to (20) of section 5747.98 of the Revised Code do not 2312  
apply to a trust subject to division (D) of this section. Any 2313  
credits enumerated in other divisions of section 5747.98 of the 2314  
Revised Code apply to a trust subject to division (D) of this 2315

section. To the extent that the trust distributes income for the 2316  
taxable year for which a credit is available to the trust, the 2317  
credit shall be shared by the trust and its beneficiaries. The 2318  
tax commissioner and the trust shall be guided by applicable 2319  
regulations of the United States treasury regarding the sharing 2320  
of credits. 2321

(E) For the purposes of this section, "trust" means any 2322  
trust described in Subchapter J of Chapter 1 of the Internal 2323  
Revenue Code, excluding trusts that are not irrevocable as 2324  
defined in division (I) (3) (b) of section 5747.01 of the Revised 2325  
Code and that have no modified Ohio taxable income for the 2326  
taxable year, charitable remainder trusts, qualified funeral 2327  
trusts and preneed funeral contract trusts established pursuant 2328  
to sections 4717.31 to 4717.38 of the Revised Code that are not 2329  
qualified funeral trusts, endowment and perpetual care trusts, 2330  
qualified settlement trusts and funds, designated settlement 2331  
trusts and funds, and trusts exempted from taxation under 2332  
section 501(a) of the Internal Revenue Code. 2333

(F) Nothing in division (A) (3) of this section shall 2334  
prohibit an individual with an Ohio adjusted gross income, less 2335  
taxable business income and exemptions, of ten thousand five 2336  
hundred dollars or less from filing a return under this chapter 2337  
to receive a refund of taxes withheld or to claim any refundable 2338  
credit allowed under this chapter. 2339

**Sec. 5747.063.** The requirements imposed under this section 2340  
are in addition to the municipal income tax withholding 2341  
requirements under section 718.031 of the Revised Code. As used 2342  
in this section, "sports gaming facility" has the same meaning 2343  
as in section 3770.30 of the Revised Code. 2344

(A) (1) If a person's winnings ~~at a~~ from casino ~~facility~~ 2345

gaming or from sports gaming are an amount for which reporting 2346  
to the internal revenue service of the amount is required by 2347  
section 6041 of the Internal Revenue Code, as amended, ~~the a~~ 2348  
casino operator shall deduct and withhold Ohio income tax from 2349  
the person's winnings at a rate of four per cent of the amount 2350  
won. A person's amount of winnings from casino gaming shall be 2351  
determined each time the person exchanges amounts won in tokens, 2352  
chips, casino credit, or other prepaid representations of value 2353  
for cash or a cash equivalent. The casino operator shall issue, 2354  
to a person from whose winnings an amount has been deducted and 2355  
withheld, a receipt for the amount deducted and withheld, and 2356  
also shall obtain from the person additional information that 2357  
will be necessary for the casino operator to prepare the returns 2358  
required by this section. 2359

(2) If a person's winnings ~~at a from casino facility~~ 2360  
gaming or sports gaming require reporting to the internal 2361  
revenue service under division (A) (1) of this section, the 2362  
casino operator also shall require the person to state in 2363  
writing, under penalty of falsification, whether the person is 2364  
in default under a support order. 2365

(B) Amounts deducted and withheld by a casino operator are 2366  
held in trust for the benefit of the state. 2367

(1) On or before the tenth day of each month, the casino 2368  
operator shall file a return electronically with the tax 2369  
commissioner identifying the persons from whose winnings amounts 2370  
were deducted and withheld, the amount of each such deduction 2371  
and withholding during the preceding calendar month, the amount 2372  
of the winnings from which each such amount was withheld, the 2373  
type of casino gaming or sports gaming that resulted in such 2374  
winnings, and any other information required by the tax 2375

commissioner. With the return, the casino operator shall remit 2376  
electronically to the commissioner all the amounts deducted and 2377  
withheld during the preceding month. 2378

(2) (a) A casino operator shall maintain a record of each 2379  
written statement provided under division (A) (2) of this section 2380  
in which a person admits to being in default under a support 2381  
order. The casino operator shall make these records available to 2382  
the director of job and family services upon request. 2383

(b) A casino operator shall maintain copies of receipts 2384  
issued under division (A) (1) of this section and of written 2385  
statements provided under division (A) (2) of this section and 2386  
shall make these copies available to the tax commissioner upon 2387  
request. 2388

(c) A casino operator shall maintain the information 2389  
described in divisions (B) (2) (a) and (b) of this section in 2390  
accordance with section 5747.17 of the Revised Code and any 2391  
rules adopted pursuant thereto. 2392

(3) Annually, on or before the thirty-first day of 2393  
January, a casino operator shall file an annual return 2394  
electronically with the tax commissioner indicating the total 2395  
amount deducted and withheld during the preceding calendar year. 2396  
The casino operator shall remit electronically with the annual 2397  
return any amount that was deducted and withheld and that was 2398  
not previously remitted. If the identity of a person and the 2399  
amount deducted and withheld with respect to that person were 2400  
omitted on a monthly return, that information shall be indicated 2401  
on the annual return. 2402

(4) (a) A casino operator who fails to file a return and 2403  
remit the amounts deducted and withheld is personally liable for 2404

the amount deducted and withheld and not remitted. The 2405  
commissioner may impose a penalty up to one thousand dollars if 2406  
a return is filed late, if amounts deducted and withheld are 2407  
remitted late, if a return is not filed, or if amounts deducted 2408  
and withheld are not remitted. Interest accrues on past due 2409  
amounts deducted and withheld at the rate prescribed in section 2410  
5703.47 of the Revised Code. The commissioner may collect past 2411  
due amounts deducted and withheld and penalties and interest 2412  
thereon by assessment under section 5747.13 of the Revised Code 2413  
as if they were income taxes collected by an employer. 2414

(b) If a casino operator sells the casino facility or 2415  
sports gaming facility, or otherwise quits the casino or sports 2416  
gaming business, the amounts deducted and withheld and any 2417  
penalties and interest thereon are immediately due and payable. 2418  
The successor shall withhold an amount of the purchase money 2419  
that is sufficient to cover the amounts deducted and withheld 2420  
and penalties and interest thereon until the predecessor casino 2421  
operator produces either a receipt from the commissioner showing 2422  
that the amounts deducted and withheld and penalties and 2423  
interest thereon have been paid or a certificate from the 2424  
commissioner indicating that no amounts deducted and withheld or 2425  
penalties and interest thereon are due. If the successor fails 2426  
to withhold purchase money, the successor is personally liable 2427  
for payment of the amounts deducted and withheld and penalties 2428  
and interest thereon, up to the amount of the purchase money. 2429

(C) (1) Annually, on or before the thirty-first day of 2430  
January, a casino operator shall issue an information return to 2431  
each person with respect to whom an amount has been deducted and 2432  
withheld during the preceding calendar year. The information 2433  
return shall show the total amount deducted from the person's 2434  
winnings by the casino operator during the preceding calendar 2435

year. 2436

(2) Annually, on or before the thirty-first day of 2437  
January, a casino operator shall provide to the commissioner a 2438  
copy of each information return issued under division (C)(1) of 2439  
this section for the preceding calendar year. The commissioner 2440  
may require that the copies be transmitted electronically. 2441

(D) Amounts deducted and withheld shall be allowed as a 2442  
credit against payment of the tax imposed by section 5747.02 of 2443  
the Revised Code and shall be treated as taxes paid for purposes 2444  
of section 5747.09 of the Revised Code. This division applies 2445  
only to the person for whom the amount is deducted and withheld. 2446

(E) The failure of a casino operator to deduct and 2447  
withhold the required amount from a person's winnings does not 2448  
relieve the person from liability for the tax imposed by section 2449  
5747.02 of the Revised Code with respect to those winnings. And 2450  
compliance with this section does not relieve a casino operator 2451  
or a person who has winnings ~~at a~~ from casino facility gaming or 2452  
sports gaming from compliance with relevant provisions of 2453  
federal tax laws. 2454

(F) The commissioner shall prescribe the form of the 2455  
receipt and returns required by this section. The director of 2456  
job and family services shall prescribe the form of the 2457  
statement required by this section. 2458

(G) The commissioner may adopt rules that are necessary to 2459  
administer this section. 2460

**Sec. 5747.064.** The requirements imposed under this section 2461  
are in addition to the municipal income tax withholding 2462  
requirements under section 718.031 of the Revised Code. 2463

(A) As used in this section, "video lottery terminal" has 2464

the same meaning as in section 3770.21 of the Revised Code and 2465  
"sports gaming facility" has the same meaning as in section 2466  
3770.30 of the Revised Code. 2467

(B) If a person's winnings from sports gaming or prize 2468  
award from a video lottery terminal is an amount for which 2469  
reporting to the internal revenue service of the amount is 2470  
required by section 6041 of the Internal Revenue Code, as 2471  
amended, ~~the a~~ lottery sales agent shall deduct and withhold 2472  
Ohio income tax from the person's winnings or prize award at a 2473  
rate of four per cent of the amount won. The lottery sales agent 2474  
shall issue, to a person from whose winnings or prize award an 2475  
amount has been deducted or withheld, a receipt for the amount 2476  
deducted and withheld, and also shall obtain from the person 2477  
additional information that will be necessary for the lottery 2478  
sales agent to prepare the returns required by this section. 2479

(C) Amounts deducted and withheld by a lottery sales agent 2480  
are held in trust for the benefit of the state. 2481

(1) On or before the tenth day of each month, the lottery 2482  
sales agent shall file a return electronically with the tax 2483  
commissioner identifying the persons from whose winnings or 2484  
prize awards amounts were deducted and withheld, the amount of 2485  
each such deduction and withholding during the preceding month, 2486  
the amount of the winnings or prize award from which each such 2487  
amount was withheld, and any other information required by the 2488  
commissioner. With the return, the lottery sales agent shall 2489  
remit electronically to the commissioner all the amounts 2490  
deducted and withheld during the preceding month. 2491

(2) A lottery sales agent shall maintain a record of all 2492  
receipts issued under division (B) of this section and shall 2493  
make those records available to the commissioner upon request. 2494

Such records shall be maintained in accordance with section 2495  
5747.17 of the Revised Code and any rules adopted pursuant 2496  
thereto. 2497

(3) Annually, on or before the thirty-first day of 2498  
January, a lottery sales agent shall file an annual return 2499  
electronically with the tax commissioner indicating the total 2500  
amount deducted and withheld during the preceding calendar year. 2501  
The lottery sales agent shall remit electronically with the 2502  
annual return any amount that was deducted and withheld and that 2503  
was not previously remitted. If the identity of a person and the 2504  
amount deducted and withheld with respect to that person were 2505  
omitted on a monthly return, that information shall be indicated 2506  
on the annual return. 2507

(4) (a) A lottery sales agent who fails to file a return 2508  
and remit the amounts deducted and withheld is personally liable 2509  
for the amount deducted and withheld and not remitted. The 2510  
commissioner may impose a penalty of up to one thousand dollars 2511  
if a return is filed late, if amounts deducted and withheld are 2512  
remitted late, if a return is not filed, or if amounts deducted 2513  
and withheld are not remitted. Interest accrues on past due 2514  
amounts deducted and withheld at the rate prescribed in section 2515  
5703.47 of the Revised Code. The commissioner may collect past 2516  
due amounts deducted and withheld and penalties and interest 2517  
thereon by assessment under section 5747.13 of the Revised Code 2518  
as if they were income taxes collected by an employer. 2519

(b) If a lottery sales agent ceases to operate video 2520  
lottery terminals, sells a sports gaming facility, or otherwise 2521  
quits the sports gaming business, the amounts deducted and 2522  
withheld and any penalties and interest thereon are immediately 2523  
due and payable. A successor of the lottery sales agent ~~that~~ 2524

~~purchases the video lottery terminals from the agent shall~~ 2525  
withhold an amount of the purchase money that is sufficient to 2526  
cover the amounts deducted and withheld and penalties and 2527  
interest thereon until the predecessor lottery sales agent 2528  
produces either a receipt from the tax commissioner showing that 2529  
the amounts deducted and withheld and penalties and interest 2530  
thereon have been paid or a certificate from the commissioner 2531  
indicating that no amounts deducted and withheld or penalties 2532  
and interest thereon are due. If the successor fails to withhold 2533  
purchase money, the successor is personally liable for payment 2534  
of the amounts deducted and withheld and penalties and interest 2535  
thereon, up to the amount of the purchase money. 2536

(D) (1) Annually, on or before the thirty-first day of 2537  
January, a lottery sales agent shall issue an information return 2538  
to each person with respect to whom an amount has been deducted 2539  
and withheld during the preceding calendar year. The information 2540  
return shall show the total amount deducted from the person's 2541  
winnings or prize award by the lottery sales agent during the 2542  
preceding year. 2543

(2) Annually, on or before the thirty-first day of 2544  
January, a lottery sales agent shall provide to the tax 2545  
commissioner a copy of each information return issued under 2546  
division (D) (1) of this section for the preceding calendar year. 2547  
The commissioner may require that such copies be transmitted 2548  
electronically. 2549

(E) Amounts deducted and withheld shall be allowed as a 2550  
credit against payment of the tax imposed by section 5747.02 of 2551  
the Revised Code and shall be treated as taxes paid for purposes 2552  
of section 5747.09 of the Revised Code. This division applies 2553  
only to the person for whom the amount is deducted and withheld. 2554

(F) The failure of a lottery sales agent to deduct and 2555  
withhold the required amount from a person's winnings or prize 2556  
award does not relieve the person from liability for the tax 2557  
imposed by section 5747.02 of the Revised Code with respect to 2558  
that income. Compliance with this section does not relieve a 2559  
lottery sales agent or a person who has winnings or a prize 2560  
award from compliance with relevant provisions of federal tax 2561  
laws. 2562

(G) The commissioner shall prescribe the form of the 2563  
receipt and returns required by this section and may promulgate 2564  
any rules necessary to administer the section. 2565

**Sec. 5747.08.** An annual return with respect to the tax 2566  
imposed by section 5747.02 of the Revised Code and each tax 2567  
imposed under Chapter 5748. of the Revised Code shall be made by 2568  
every taxpayer for any taxable year for which the taxpayer is 2569  
liable for the tax imposed by that section or under that 2570  
chapter, unless the total credits allowed under division (E) of 2571  
section 5747.05 and divisions (F) and (G) of section 5747.055 of 2572  
the Revised Code for the year are equal to or exceed the tax 2573  
imposed by section 5747.02 of the Revised Code, in which case no 2574  
return shall be required unless the taxpayer is liable for a tax 2575  
imposed pursuant to Chapter 5748. of the Revised Code. 2576

(A) If an individual is deceased, any return or notice 2577  
required of that individual under this chapter shall be made and 2578  
filed by that decedent's executor, administrator, or other 2579  
person charged with the property of that decedent. 2580

(B) If an individual is unable to make a return or notice 2581  
required by this chapter, the return or notice required of that 2582  
individual shall be made and filed by the individual's duly 2583  
authorized agent, guardian, conservator, fiduciary, or other 2584

person charged with the care of the person or property of that 2585  
individual. 2586

(C) Returns or notices required of an estate or a trust 2587  
shall be made and filed by the fiduciary of the estate or trust. 2588

(D) (1) (a) Except as otherwise provided in division (D) (1) 2589  
(b) of this section, any pass-through entity may file a single 2590  
return on behalf of one or more of the entity's investors other 2591  
than an investor that is a person subject to the tax imposed 2592  
under section 5733.06 of the Revised Code. The single return 2593  
shall set forth the name, address, and social security number or 2594  
other identifying number of each of those pass-through entity 2595  
investors and shall indicate the distributive share of each of 2596  
those pass-through entity investor's income taxable in this 2597  
state in accordance with sections 5747.20 to 5747.231 of the 2598  
Revised Code. Such pass-through entity investors for whom the 2599  
pass-through entity elects to file a single return are not 2600  
entitled to the exemption or credit provided for by sections 2601  
5747.02 and 5747.022 of the Revised Code; shall calculate the 2602  
tax before business credits at the highest rate of tax set forth 2603  
in section 5747.02 of the Revised Code for the taxable year for 2604  
which the return is filed; and are entitled to only their 2605  
distributive share of the business credits as defined in 2606  
division (D) (2) of this section. A single check drawn by the 2607  
pass-through entity shall accompany the return in full payment 2608  
of the tax due, as shown on the single return, for such 2609  
investors, other than investors who are persons subject to the 2610  
tax imposed under section 5733.06 of the Revised Code. 2611

(b) (i) A pass-through entity shall not include in such a 2612  
single return any investor that is a trust to the extent that 2613  
any direct or indirect current, future, or contingent 2614

beneficiary of the trust is a person subject to the tax imposed 2615  
under section 5733.06 of the Revised Code. 2616

(ii) A pass-through entity shall not include in such a 2617  
single return any investor that is itself a pass-through entity 2618  
to the extent that any direct or indirect investor in the second 2619  
pass-through entity is a person subject to the tax imposed under 2620  
section 5733.06 of the Revised Code. 2621

(c) Nothing in division (D) of this section precludes the 2622  
tax commissioner from requiring such investors to file the 2623  
return and make the payment of taxes and related interest, 2624  
penalty, and interest penalty required by this section or 2625  
section 5747.02, 5747.09, or 5747.15 of the Revised Code. 2626  
Nothing in division (D) of this section precludes such an 2627  
investor from filing the annual return under this section, 2628  
utilizing the refundable credit equal to the investor's 2629  
proportionate share of the tax paid by the pass-through entity 2630  
on behalf of the investor under division (I) of this section, 2631  
and making the payment of taxes imposed under section 5747.02 of 2632  
the Revised Code. Nothing in division (D) of this section shall 2633  
be construed to provide to such an investor or pass-through 2634  
entity any additional deduction or credit, other than the credit 2635  
provided by division (I) of this section, solely on account of 2636  
the entity's filing a return in accordance with this section. 2637  
Such a pass-through entity also shall make the filing and 2638  
payment of estimated taxes on behalf of the pass-through entity 2639  
investors other than an investor that is a person subject to the 2640  
tax imposed under section 5733.06 of the Revised Code. 2641

(2) For the purposes of this section, "business credits" 2642  
means the credits listed in section 5747.98 of the Revised Code 2643  
excluding the following credits: 2644

(a) The retirement income credit under division (B) of section 5747.055 of the Revised Code;	2645 2646
(b) The senior citizen credit under division (F) of section 5747.055 of the Revised Code;	2647 2648
(c) The lump sum distribution credit under division (G) of section 5747.055 of the Revised Code;	2649 2650
(d) The dependent care credit under section 5747.054 of the Revised Code;	2651 2652
(e) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;	2653 2654
(f) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	2655 2656
(g) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	2657 2658
(h) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	2659 2660
(i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	2661 2662
(j) The joint filing credit under division (E) of section 5747.05 of the Revised Code;	2663 2664
(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	2665 2666
(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	2667 2668
(m) The earned income tax credit under section 5747.71 of the Revised Code.	2669 2670

(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 2702  
return, they shall file separate returns under this section. 2703

If either spouse is not required to file a federal income 2704  
tax return and either or both are required to file a return 2705  
pursuant to this chapter, they may elect to file separate or 2706  
joint returns, and, pursuant to that election, their liabilities 2707  
are separate or joint and several. If a husband and wife file 2708  
separate returns pursuant to this chapter, each must claim the 2709  
taxpayer's own exemption, but not both, as authorized under 2710  
section 5747.02 of the Revised Code on the taxpayer's own 2711  
return. 2712

(F) Each return or notice required to be filed under this 2713  
section shall contain the signature of the taxpayer or the 2714  
taxpayer's duly authorized agent and of the person who prepared 2715  
the return for the taxpayer, and shall include the taxpayer's 2716  
social security number. Each return shall be verified by a 2717  
declaration under the penalties of perjury. The tax commissioner 2718  
shall prescribe the form that the signature and declaration 2719  
shall take. 2720

(G) Each return or notice required to be filed under this 2721  
section shall be made and filed as required by section 5747.04 2722  
of the Revised Code, on or before the fifteenth day of April of 2723  
each year, on forms that the tax commissioner shall prescribe, 2724  
together with remittance made payable to the treasurer of state 2725  
in the combined amount of the state and all school district 2726  
income taxes shown to be due on the form. 2727

Upon good cause shown, the commissioner may extend the 2728  
period for filing any notice or return required to be filed 2729  
under this section and may adopt rules relating to extensions. 2730  
If the extension results in an extension of time for the payment 2731

of any state or school district income tax liability with 2732  
respect to which the return is filed, the taxpayer shall pay at 2733  
the time the tax liability is paid an amount of interest 2734  
computed at the rate per annum prescribed by section 5703.47 of 2735  
the Revised Code on that liability from the time that payment is 2736  
due without extension to the time of actual payment. Except as 2737  
provided in section 5747.132 of the Revised Code, in addition to 2738  
all other interest charges and penalties, all taxes imposed 2739  
under this chapter or Chapter 5748. of the Revised Code and 2740  
remaining unpaid after they become due, except combined amounts 2741  
due of one dollar or less, bear interest at the rate per annum 2742  
prescribed by section 5703.47 of the Revised Code until paid or 2743  
until the day an assessment is issued under section 5747.13 of 2744  
the Revised Code, whichever occurs first. 2745

If the commissioner considers it necessary in order to 2746  
ensure the payment of the tax imposed by section 5747.02 of the 2747  
Revised Code or any tax imposed under Chapter 5748. of the 2748  
Revised Code, the commissioner may require returns and payments 2749  
to be made otherwise than as provided in this section. 2750

To the extent that any provision in this division 2751  
conflicts with any provision in section 5747.026 of the Revised 2752  
Code, the provision in that section prevails. 2753

(H) The amounts withheld by an employer pursuant to 2754  
section 5747.06 of the Revised Code, a casino operator or sports 2755  
gaming agent pursuant to section 5747.063 of the Revised Code, 2756  
or a lottery sales agent pursuant to section 5747.064 of the 2757  
Revised Code shall be allowed to the recipient of the 2758  
compensation, casino or sports gaming winnings, or lottery prize 2759  
award as credits against payment of the appropriate taxes 2760  
imposed on the recipient by section 5747.02 and under Chapter 2761

5748. of the Revised Code. 2762

(I) If a pass-through entity elects to file a single 2763  
return under division (D) of this section and if any investor is 2764  
required to file the annual return and make the payment of taxes 2765  
required by this chapter on account of the investor's other 2766  
income that is not included in a single return filed by a pass- 2767  
through entity or any other investor elects to file the annual 2768  
return, the investor is entitled to a refundable credit equal to 2769  
the investor's proportionate share of the tax paid by the pass- 2770  
through entity on behalf of the investor. The investor shall 2771  
claim the credit for the investor's taxable year in which or 2772  
with which ends the taxable year of the pass-through entity. 2773  
Nothing in this chapter shall be construed to allow any credit 2774  
provided in this chapter to be claimed more than once. For the 2775  
purpose of computing any interest, penalty, or interest penalty, 2776  
the investor shall be deemed to have paid the refundable credit 2777  
provided by this division on the day that the pass-through 2778  
entity paid the estimated tax or the tax giving rise to the 2779  
credit. 2780

(J) The tax commissioner shall ensure that each return 2781  
required to be filed under this section includes a box that the 2782  
taxpayer may check to authorize a paid tax preparer who prepared 2783  
the return to communicate with the department of taxation about 2784  
matters pertaining to the return. The return or instructions 2785  
accompanying the return shall indicate that by checking the box 2786  
the taxpayer authorizes the department of taxation to contact 2787  
the preparer concerning questions that arise during the 2788  
processing of the return and authorizes the preparer only to 2789  
provide the department with information that is missing from the 2790  
return, to contact the department for information about the 2791  
processing of the return or the status of the taxpayer's refund 2792

or payments, and to respond to notices about mathematical 2793  
errors, offsets, or return preparation that the taxpayer has 2794  
received from the department and has shown to the preparer. 2795

(K) The tax commissioner shall permit individual taxpayers 2796  
to instruct the department of taxation to cause any refund of 2797  
overpaid taxes to be deposited directly into a checking account, 2798  
savings account, or an individual retirement account or 2799  
individual retirement annuity, or preexisting college savings 2800  
plan or program account offered by the Ohio tuition trust 2801  
authority under Chapter 3334. of the Revised Code, as designated 2802  
by the taxpayer, when the taxpayer files the annual return 2803  
required by this section electronically. 2804

(L) The tax commissioner may adopt rules to administer 2805  
this section. 2806

**Sec. 5747.20.** This section applies solely for the purposes 2807  
of computing the credit allowed under division (A) of section 2808  
5747.05 of the Revised Code and computing income taxable in this 2809  
state under division (D) of section 5747.08 of the Revised Code. 2810

All items of nonbusiness income or deduction shall be 2811  
allocated in this state as follows: 2812

(A) All items of nonbusiness income or deduction taken 2813  
into account in the computation of adjusted gross income for the 2814  
taxable year by a resident shall be allocated to this state. 2815

(B) All items of nonbusiness income or deduction taken 2816  
into account in the computation of adjusted gross income for the 2817  
taxable year by a nonresident shall be allocated to this state 2818  
as follows: 2819

(1) All items of compensation paid to an individual for 2820  
personal services performed in this state who was a nonresident 2821

at the time of payment and all items of deduction directly 2822  
allocated thereto shall be allocated to this state. 2823

(2) All gains or losses from the sale of real property, 2824  
tangible personal property, or intangible property shall be 2825  
allocated as follows: 2826

(a) Capital gains or losses from the sale or other 2827  
transfer of real property are allocable to this state if the 2828  
property is located physically in this state. 2829

(b) Capital gains or losses from the sale or other 2830  
transfer of tangible personal property are allocable to this 2831  
state if, at the time of such sale or other transfer, the 2832  
property had its physical location in this state. 2833

(c) Capital gains or losses from the sale or other 2834  
transfer of intangible personal property are allocable to this 2835  
state if the taxpayer's domicile was in this state at the time 2836  
of such sale or other transfer. 2837

(3) All rents and royalties of real or tangible personal 2838  
property shall be allocated to this state as follows: 2839

(a) Rents and royalties derived from real property are 2840  
allocable to this state if the property is physically located in 2841  
this state. 2842

(b) Rents and royalties derived from tangible personal 2843  
property are allocable to this state to the extent that such 2844  
property is utilized in this state. 2845

The extent of utilization of tangible personal property in 2846  
a state is determined by multiplying the rents or royalties 2847  
derived from such property by a fraction, the numerator of which 2848  
is the number of days of physical location of the property in 2849

this state during the rental or royalty period in the taxable 2850  
year and the denominator of which is the number of days of 2851  
physical location of the property everywhere during all rental 2852  
or royalty periods in the taxable year. If the physical location 2853  
of the property during the rental or royalty period is unknown 2854  
or unascertainable by the nonresident, tangible personal 2855  
property is utilized in the state in which the property was 2856  
located at the time the rental or royalty payor obtained 2857  
possession. 2858

(4) All patent and copyright royalties shall be allocated 2859  
to this state to the extent the patent or copyright was utilized 2860  
by the payor in this state. 2861

A patent is utilized in a state to the extent that it is 2862  
employed in production, fabrication, manufacturing, or other 2863  
processing in the state, or to the extent that a patented 2864  
product is produced in the state. If the basis of receipts from 2865  
patent royalties does not permit allocation to states or if the 2866  
accounting procedures do not reflect states of utilization, the 2867  
patent is utilized in this state if the taxpayer's domicile was 2868  
in this state at the time such royalties were paid or accrued. 2869

A copyright is utilized in a state to the extent that 2870  
printing or other publication originates in the state. If the 2871  
basis of receipts from copyright royalties does not permit 2872  
allocation to states or if the accounting procedures do not 2873  
reflect states of utilization, the copyright is utilized in this 2874  
state if the taxpayer's domicile was in this state at the time 2875  
such royalties were paid or accrued. 2876

(5) (a) All lottery prize awards paid by the state lottery 2877  
commission pursuant to Chapter 3770. of the Revised Code shall 2878  
be allocated to this state. 2879

(b) All earnings, profit, income, and gain from the sale, 2880  
exchange, or other disposition of lottery prize awards paid or 2881  
to be paid to any person by the state lottery commission 2882  
pursuant to Chapter 3770. of the Revised Code shall be allocated 2883  
to this state. 2884

(c) All earnings, profit, income, and gain from the direct 2885  
or indirect ownership of lottery prize awards paid or to be paid 2886  
to any person by the state lottery commission pursuant to 2887  
Chapter 3770. of the Revised Code shall be allocated to this 2888  
state. 2889

(d) All earnings, profit, income, and gain from the direct 2890  
or indirect interest in any right in or to any lottery prize 2891  
awards paid or to be paid to any person by the state lottery 2892  
commission pursuant to Chapter 3770. of the Revised Code shall 2893  
be allocated to this state. 2894

(6) Any item of income or deduction which has been taken 2895  
into account in the computation of adjusted gross income for the 2896  
taxable year by a nonresident and which is not otherwise 2897  
specifically allocated or apportioned pursuant to sections 2898  
5747.20 to 5747.23 of the Revised Code, including, without 2899  
limitation, interest, dividends and distributions, items of 2900  
income taken into account under the provisions of sections 401 2901  
to 425 of the Internal Revenue Code, and benefit payments 2902  
received by a beneficiary of a supplemental unemployment trust 2903  
which is referred to in section 501(c)(17) of the Internal 2904  
Revenue Code, shall not be allocated to this state unless the 2905  
taxpayer's domicile was in this state at the time such income 2906  
was paid or accrued. 2907

(7) All casino gaming winnings paid by any person licensed 2908  
by the Ohio casino control commission shall be allocated to the 2909

state.	2910
<u>(8) All sports gaming winnings paid by any person licensed</u>	2911
<u>by the state lottery commission shall be allocated to the state.</u>	2912
(C) If an individual is a resident for part of the taxable	2913
year and a nonresident for the remainder of the taxable year,	2914
all items of nonbusiness income or deduction shall be allocated	2915
under division (A) of this section for the part of the taxable	2916
year that the individual is a resident and under division (B) of	2917
this section for the part of the taxable year that the	2918
individual is a nonresident.	2919
<b>Sec. 5751.01.</b> As used in this chapter:	2920
(A) "Person" means, but is not limited to, individuals,	2921
combinations of individuals of any form, receivers, assignees,	2922
trustees in bankruptcy, firms, companies, joint-stock companies,	2923
business trusts, estates, partnerships, limited liability	2924
partnerships, limited liability companies, associations, joint	2925
ventures, clubs, societies, for-profit corporations, S	2926
corporations, qualified subchapter S subsidiaries, qualified	2927
subchapter S trusts, trusts, entities that are disregarded for	2928
federal income tax purposes, and any other entities.	2929
(B) "Consolidated elected taxpayer" means a group of two	2930
or more persons treated as a single taxpayer for purposes of	2931
this chapter as the result of an election made under section	2932
5751.011 of the Revised Code.	2933
(C) "Combined taxpayer" means a group of two or more	2934
persons treated as a single taxpayer for purposes of this	2935
chapter under section 5751.012 of the Revised Code.	2936
(D) "Taxpayer" means any person, or any group of persons	2937
in the case of a consolidated elected taxpayer or combined	2938

taxpayer treated as one taxpayer, required to register or pay 2939  
tax under this chapter. "Taxpayer" does not include excluded 2940  
persons. 2941

(E) "Excluded person" means any of the following: 2942

(1) Any person with not more than one hundred fifty 2943  
thousand dollars of taxable gross receipts during the calendar 2944  
year. Division (E) (1) of this section does not apply to a person 2945  
that is a member of a consolidated elected taxpayer; 2946

(2) A public utility that paid the excise tax imposed by 2947  
section 5727.24 or 5727.30 of the Revised Code based on one or 2948  
more measurement periods that include the entire tax period 2949  
under this chapter, except that a public utility that is a 2950  
combined company is a taxpayer with regard to the following 2951  
gross receipts: 2952

(a) Taxable gross receipts directly attributed to a public 2953  
utility activity, but not directly attributed to an activity 2954  
that is subject to the excise tax imposed by section 5727.24 or 2955  
5727.30 of the Revised Code; 2956

(b) Taxable gross receipts that cannot be directly 2957  
attributed to any activity, multiplied by a fraction whose 2958  
numerator is the taxable gross receipts described in division 2959  
(E) (2) (a) of this section and whose denominator is the total 2960  
taxable gross receipts that can be directly attributed to any 2961  
activity; 2962

(c) Except for any differences resulting from the use of 2963  
an accrual basis method of accounting for purposes of 2964  
determining gross receipts under this chapter and the use of the 2965  
cash basis method of accounting for purposes of determining 2966  
gross receipts under section 5727.24 of the Revised Code, the 2967

gross receipts directly attributed to the activity of a natural 2968  
gas company shall be determined in a manner consistent with 2969  
division (D) of section 5727.03 of the Revised Code. 2970

As used in division (E) (2) of this section, "combined 2971  
company" and "public utility" have the same meanings as in 2972  
section 5727.01 of the Revised Code. 2973

(3) A financial institution, as defined in section 5726.01 2974  
of the Revised Code, that paid the tax imposed by section 2975  
5726.02 of the Revised Code based on one or more taxable years 2976  
that include the entire tax period under this chapter; 2977

(4) A person directly or indirectly owned by one or more 2978  
financial institutions, as defined in section 5726.01 of the 2979  
Revised Code, that paid the tax imposed by section 5726.02 of 2980  
the Revised Code based on one or more taxable years that include 2981  
the entire tax period under this chapter. 2982

For the purposes of division (E) (4) of this section, a 2983  
person owns another person under the following circumstances: 2984

(a) In the case of corporations issuing capital stock, one 2985  
corporation owns another corporation if it owns fifty per cent 2986  
or more of the other corporation's capital stock with current 2987  
voting rights; 2988

(b) In the case of a limited liability company, one person 2989  
owns the company if that person's membership interest, as 2990  
defined in section 1705.01 of the Revised Code, is fifty per 2991  
cent or more of the combined membership interests of all persons 2992  
owning such interests in the company; 2993

(c) In the case of a partnership, trust, or other 2994  
unincorporated business organization other than a limited 2995  
liability company, one person owns the organization if, under 2996

the articles of organization or other instrument governing the 2997  
affairs of the organization, that person has a beneficial 2998  
interest in the organization's profits, surpluses, losses, or 2999  
distributions of fifty per cent or more of the combined 3000  
beneficial interests of all persons having such an interest in 3001  
the organization. 3002

(5) A domestic insurance company or foreign insurance 3003  
company, as defined in section 5725.01 of the Revised Code, that 3004  
paid the insurance company premiums tax imposed by section 3005  
5725.18 or Chapter 5729. of the Revised Code, or an unauthorized 3006  
insurance company whose gross premiums are subject to tax under 3007  
section 3905.36 of the Revised Code based on one or more 3008  
measurement periods that include the entire tax period under 3009  
this chapter; 3010

(6) A person that solely facilitates or services one or 3011  
more securitizations of phase-in-recovery property pursuant to a 3012  
final financing order as those terms are defined in section 3013  
4928.23 of the Revised Code. For purposes of this division, 3014  
"securitization" means transferring one or more assets to one or 3015  
more persons and then issuing securities backed by the right to 3016  
receive payment from the asset or assets so transferred. 3017

(7) Except as otherwise provided in this division, a pre- 3018  
income tax trust as defined in division (FF) (4) of section 3019  
5747.01 of the Revised Code and any pass-through entity of which 3020  
such pre-income tax trust owns or controls, directly, 3021  
indirectly, or constructively through related interests, more 3022  
than five per cent of the ownership or equity interests. If the 3023  
pre-income tax trust has made a qualifying pre-income tax trust 3024  
election under division (FF) (3) of section 5747.01 of the 3025  
Revised Code, then the trust and the pass-through entities of 3026

which it owns or controls, directly, indirectly, or 3027  
constructively through related interests, more than five per 3028  
cent of the ownership or equity interests, shall not be excluded 3029  
persons for purposes of the tax imposed under section 5751.02 of 3030  
the Revised Code. 3031

(8) Nonprofit organizations or the state and its agencies, 3032  
instrumentalities, or political subdivisions. 3033

(F) Except as otherwise provided in divisions (F) (2), (3), 3034  
and (4) of this section, "gross receipts" means the total amount 3035  
realized by a person, without deduction for the cost of goods 3036  
sold or other expenses incurred, that contributes to the 3037  
production of gross income of the person, including the fair 3038  
market value of any property and any services received, and any 3039  
debt transferred or forgiven as consideration. 3040

(1) The following are examples of gross receipts: 3041

(a) Amounts realized from the sale, exchange, or other 3042  
disposition of the taxpayer's property to or with another; 3043

(b) Amounts realized from the taxpayer's performance of 3044  
services for another; 3045

(c) Amounts realized from another's use or possession of 3046  
the taxpayer's property or capital; 3047

(d) Any combination of the foregoing amounts. 3048

(2) "Gross receipts" excludes the following amounts: 3049

(a) Interest income except interest on credit sales; 3050

(b) Dividends and distributions from corporations, and 3051  
distributive or proportionate shares of receipts and income from 3052  
a pass-through entity as defined under section 5733.04 of the 3053

Revised Code; 3054

(c) Receipts from the sale, exchange, or other disposition 3055  
of an asset described in section 1221 or 1231 of the Internal 3056  
Revenue Code, without regard to the length of time the person 3057  
held the asset. Notwithstanding section 1221 of the Internal 3058  
Revenue Code, receipts from hedging transactions also are 3059  
excluded to the extent the transactions are entered into 3060  
primarily to protect a financial position, such as managing the 3061  
risk of exposure to (i) foreign currency fluctuations that 3062  
affect assets, liabilities, profits, losses, equity, or 3063  
investments in foreign operations; (ii) interest rate 3064  
fluctuations; or (iii) commodity price fluctuations. As used in 3065  
division (F)(2)(c) of this section, "hedging transaction" has 3066  
the same meaning as used in section 1221 of the Internal Revenue 3067  
Code and also includes transactions accorded hedge accounting 3068  
treatment under statement of financial accounting standards 3069  
number 133 of the financial accounting standards board. For the 3070  
purposes of division (F)(2)(c) of this section, the actual 3071  
transfer of title of real or tangible personal property to 3072  
another entity is not a hedging transaction. 3073

(d) Proceeds received attributable to the repayment, 3074  
maturity, or redemption of the principal of a loan, bond, mutual 3075  
fund, certificate of deposit, or marketable instrument; 3076

(e) The principal amount received under a repurchase 3077  
agreement or on account of any transaction properly 3078  
characterized as a loan to the person; 3079

(f) Contributions received by a trust, plan, or other 3080  
arrangement, any of which is described in section 501(a) of the 3081  
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 3082  
1, Subchapter (D) of the Internal Revenue Code applies; 3083

(g) Compensation, whether current or deferred, and whether 3084  
in cash or in kind, received or to be received by an employee, 3085  
former employee, or the employee's legal successor for services 3086  
rendered to or for an employer, including reimbursements 3087  
received by or for an individual for medical or education 3088  
expenses, health insurance premiums, or employee expenses, or on 3089  
account of a dependent care spending account, legal services 3090  
plan, any cafeteria plan described in section 125 of the 3091  
Internal Revenue Code, or any similar employee reimbursement; 3092

(h) Proceeds received from the issuance of the taxpayer's 3093  
own stock, options, warrants, puts, or calls, or from the sale 3094  
of the taxpayer's treasury stock; 3095

(i) Proceeds received on the account of payments from 3096  
insurance policies, except those proceeds received for the loss 3097  
of business revenue; 3098

(j) Gifts or charitable contributions received; membership 3099  
dues received by trade, professional, homeowners', or 3100  
condominium associations; and payments received for educational 3101  
courses, meetings, meals, or similar payments to a trade, 3102  
professional, or other similar association; and fundraising 3103  
receipts received by any person when any excess receipts are 3104  
donated or used exclusively for charitable purposes; 3105

(k) Damages received as the result of litigation in excess 3106  
of amounts that, if received without litigation, would be gross 3107  
receipts; 3108

(l) Property, money, and other amounts received or 3109  
acquired by an agent on behalf of another in excess of the 3110  
agent's commission, fee, or other remuneration; 3111

(m) Tax refunds, other tax benefit recoveries, and 3112

reimbursements for the tax imposed under this chapter made by 3113  
entities that are part of the same combined taxpayer or 3114  
consolidated elected taxpayer group, and reimbursements made by 3115  
entities that are not members of a combined taxpayer or 3116  
consolidated elected taxpayer group that are required to be made 3117  
for economic parity among multiple owners of an entity whose tax 3118  
obligation under this chapter is required to be reported and 3119  
paid entirely by one owner, pursuant to the requirements of 3120  
sections 5751.011 and 5751.012 of the Revised Code; 3121

(n) Pension reversions; 3122

(o) Contributions to capital; 3123

(p) Sales or use taxes collected as a vendor or an out-of- 3124  
state seller on behalf of the taxing jurisdiction from a 3125  
consumer or other taxes the taxpayer is required by law to 3126  
collect directly from a purchaser and remit to a local, state, 3127  
or federal tax authority; 3128

(q) In the case of receipts from the sale of cigarettes or 3129  
tobacco products by a wholesale dealer, retail dealer, 3130  
distributor, manufacturer, or seller, all as defined in section 3131  
5743.01 of the Revised Code, an amount equal to the federal and 3132  
state excise taxes paid by any person on or for such cigarettes 3133  
or tobacco products under subtitle E of the Internal Revenue 3134  
Code or Chapter 5743. of the Revised Code; 3135

(r) In the case of receipts from the sale, transfer, 3136  
exchange, or other disposition of motor fuel as "motor fuel" is 3137  
defined in section 5736.01 of the Revised Code, an amount equal 3138  
to the value of the motor fuel, including federal and state 3139  
motor fuel excise taxes and receipts from billing or invoicing 3140  
the tax imposed under section 5736.02 of the Revised Code to 3141

another person; 3142

(s) In the case of receipts from the sale of beer or 3143  
intoxicating liquor, as defined in section 4301.01 of the 3144  
Revised Code, by a person holding a permit issued under Chapter 3145  
4301. or 4303. of the Revised Code, an amount equal to federal 3146  
and state excise taxes paid by any person on or for such beer or 3147  
intoxicating liquor under subtitle E of the Internal Revenue 3148  
Code or Chapter 4301. or 4305. of the Revised Code; 3149

(t) Receipts realized by a new motor vehicle dealer or 3150  
used motor vehicle dealer, as defined in section 4517.01 of the 3151  
Revised Code, from the sale or other transfer of a motor 3152  
vehicle, as defined in that section, to another motor vehicle 3153  
dealer for the purpose of resale by the transferee motor vehicle 3154  
dealer, but only if the sale or other transfer was based upon 3155  
the transferee's need to meet a specific customer's preference 3156  
for a motor vehicle; 3157

(u) Receipts from a financial institution described in 3158  
division (E) (3) of this section for services provided to the 3159  
financial institution in connection with the issuance, 3160  
processing, servicing, and management of loans or credit 3161  
accounts, if such financial institution and the recipient of 3162  
such receipts have at least fifty per cent of their ownership 3163  
interests owned or controlled, directly or constructively 3164  
through related interests, by common owners; 3165

(v) Receipts realized from administering anti-neoplastic 3166  
drugs and other cancer chemotherapy, biologicals, therapeutic 3167  
agents, and supportive drugs in a physician's office to patients 3168  
with cancer; 3169

(w) Funds received or used by a mortgage broker that is 3170

not a dealer in intangibles, other than fees or other 3171  
consideration, pursuant to a table-funding mortgage loan or 3172  
warehouse-lending mortgage loan. Terms used in division (F) (2) 3173  
(w) of this section have the same meanings as in section 1322.01 3174  
of the Revised Code, except "mortgage broker" means a person 3175  
assisting a buyer in obtaining a mortgage loan for a fee or 3176  
other consideration paid by the buyer or a lender, or a person 3177  
engaged in table-funding or warehouse-lending mortgage loans 3178  
that are first lien mortgage loans. 3179

(x) Property, money, and other amounts received by a 3180  
professional employer organization, as defined in section 3181  
4125.01 of the Revised Code, from a client employer, as defined 3182  
in that section, in excess of the administrative fee charged by 3183  
the professional employer organization to the client employer; 3184

(y) In the case of amounts retained as commissions by a 3185  
permit holder under Chapter 3769. of the Revised Code, an amount 3186  
equal to the amounts specified under that chapter that must be 3187  
paid to or collected by the tax commissioner as a tax and the 3188  
amounts specified under that chapter to be used as purse money; 3189

(z) Qualifying distribution center receipts. 3190

(i) For purposes of division (F) (2) (z) of this section: 3191

(I) "Qualifying distribution center receipts" means 3192  
receipts of a supplier from qualified property that is delivered 3193  
to a qualified distribution center, multiplied by a quantity 3194  
that equals one minus the Ohio delivery percentage. If the 3195  
qualified distribution center is a refining facility, "supplier" 3196  
includes all dealers, brokers, processors, sellers, vendors, 3197  
cosigners, and distributors of qualified property. 3198

(II) "Qualified property" means tangible personal property 3199

delivered to a qualified distribution center that is shipped to 3200  
that qualified distribution center solely for further shipping 3201  
by the qualified distribution center to another location in this 3202  
state or elsewhere or, in the case of gold, silver, platinum, or 3203  
palladium delivered to a refining facility solely for refining 3204  
to a grade and fineness acceptable for delivery to a registered 3205  
commodities exchange. "Further shipping" includes storing and 3206  
repackaging property into smaller or larger bundles, so long as 3207  
the property is not subject to further manufacturing or 3208  
processing. "Refining" is limited to extracting impurities from 3209  
gold, silver, platinum, or palladium through smelting or some 3210  
other process at a refining facility. 3211

(III) "Qualified distribution center" means a warehouse, a 3212  
facility similar to a warehouse, or a refining facility in this 3213  
state that, for the qualifying year, is operated by a person 3214  
that is not part of a combined taxpayer group and that has a 3215  
qualifying certificate. All warehouses or facilities similar to 3216  
warehouses that are operated by persons in the same taxpayer 3217  
group and that are located within one mile of each other shall 3218  
be treated as one qualified distribution center. All refining 3219  
facilities that are operated by persons in the same taxpayer 3220  
group and that are located in the same or adjacent counties may 3221  
be treated as one qualified distribution center. 3222

(IV) "Qualifying year" means the calendar year to which 3223  
the qualifying certificate applies. 3224

(V) "Qualifying period" means the period of the first day 3225  
of July of the second year preceding the qualifying year through 3226  
the thirtieth day of June of the year preceding the qualifying 3227  
year. 3228

(VI) "Qualifying certificate" means the certificate issued 3229

by the tax commissioner after the operator of a distribution 3230  
center files an annual application with the commissioner. The 3231  
application and annual fee shall be filed and paid for each 3232  
qualified distribution center on or before the first day of 3233  
September before the qualifying year or within forty-five days 3234  
after the distribution center opens, whichever is later. 3235

The applicant must substantiate to the commissioner's 3236  
satisfaction that, for the qualifying period, all persons 3237  
operating the distribution center have more than fifty per cent 3238  
of the cost of the qualified property shipped to a location such 3239  
that it would be situated outside this state under the provisions 3240  
of division (E) of section 5751.033 of the Revised Code. The 3241  
applicant must also substantiate that the distribution center 3242  
cumulatively had costs from its suppliers equal to or exceeding 3243  
five hundred million dollars during the qualifying period. (For 3244  
purposes of division (F)(2)(z)(i)(VI) of this section, 3245  
"supplier" excludes any person that is part of the consolidated 3246  
elected taxpayer group, if applicable, of the operator of the 3247  
qualified distribution center.) The commissioner may require the 3248  
applicant to have an independent certified public accountant 3249  
certify that the calculation of the minimum thresholds required 3250  
for a qualified distribution center by the operator of a 3251  
distribution center has been made in accordance with generally 3252  
accepted accounting principles. The commissioner shall issue or 3253  
deny the issuance of a certificate within sixty days after the 3254  
receipt of the application. A denial is subject to appeal under 3255  
section 5717.02 of the Revised Code. If the operator files a 3256  
timely appeal under section 5717.02 of the Revised Code, the 3257  
operator shall be granted a qualifying certificate effective for 3258  
the remainder of the qualifying year or until the appeal is 3259  
finalized, whichever is earlier. If the operator does not 3260

prevail in the appeal, the operator shall pay the ineligible operator's supplier tax liability. 3261  
3262

(VII) "Ohio delivery percentage" means the proportion of 3263  
the total property delivered to a destination inside Ohio from 3264  
the qualified distribution center during the qualifying period 3265  
compared with total deliveries from such distribution center 3266  
everywhere during the qualifying period. 3267

(VIII) "Refining facility" means one or more buildings 3268  
located in a county in the Appalachian region of this state as 3269  
defined by section 107.21 of the Revised Code and utilized for 3270  
refining or smelting gold, silver, platinum, or palladium to a 3271  
grade and fineness acceptable for delivery to a registered 3272  
commodities exchange. 3273

(IX) "Registered commodities exchange" means a board of 3274  
trade, such as New York mercantile exchange, inc. or commodity 3275  
exchange, inc., designated as a contract market by the commodity 3276  
futures trading commission under the "Commodity Exchange Act," 7 3277  
U.S.C. 1 et seq., as amended. 3278

(X) "Ineligible operator's supplier tax liability" means 3279  
an amount equal to the tax liability of all suppliers of a 3280  
distribution center had the distribution center not been issued 3281  
a qualifying certificate for the qualifying year. Ineligible 3282  
operator's supplier tax liability shall not include interest or 3283  
penalties. The tax commissioner shall determine an ineligible 3284  
operator's supplier tax liability based on information that the 3285  
commissioner may request from the operator of the distribution 3286  
center. An operator shall provide a list of all suppliers of the 3287  
distribution center and the corresponding costs of qualified 3288  
property for the qualifying year at issue within sixty days of a 3289  
request by the commissioner under this division. 3290

(ii) (I) If the distribution center is new and was not open 3291  
for the entire qualifying period, the operator of the 3292  
distribution center may request that the commissioner grant a 3293  
qualifying certificate. If the certificate is granted and it is 3294  
later determined that more than fifty per cent of the qualified 3295  
property during that year was not shipped to a location such 3296  
that it would be situated outside of this state under the 3297  
provisions of division (E) of section 5751.033 of the Revised 3298  
Code or if it is later determined that the person that operates 3299  
the distribution center had average monthly costs from its 3300  
suppliers of less than forty million dollars during that year, 3301  
then the operator of the distribution center shall pay the 3302  
ineligible operator's supplier tax liability. (For purposes of 3303  
division (F) (2) (z) (ii) of this section, "supplier" excludes any 3304  
person that is part of the consolidated elected taxpayer group, 3305  
if applicable, of the operator of the qualified distribution 3306  
center.) 3307

(II) The commissioner may grant a qualifying certificate 3308  
to a distribution center that does not qualify as a qualified 3309  
distribution center for an entire qualifying period if the 3310  
operator of the distribution center demonstrates that the 3311  
business operations of the distribution center have changed or 3312  
will change such that the distribution center will qualify as a 3313  
qualified distribution center within thirty-six months after the 3314  
date the operator first applies for a certificate. If, at the 3315  
end of that thirty-six-month period, the business operations of 3316  
the distribution center have not changed such that the 3317  
distribution center qualifies as a qualified distribution 3318  
center, the operator of the distribution center shall pay the 3319  
ineligible operator's supplier tax liability for each year that 3320  
the distribution center received a certificate but did not 3321

qualify as a qualified distribution center. For each year the 3322  
distribution center receives a certificate under division (F) (2) 3323  
(z) (ii) (II) of this section, the distribution center shall pay 3324  
all applicable fees required under division (F) (2) (z) of this 3325  
section and shall submit an updated business plan showing the 3326  
progress the distribution center made toward qualifying as a 3327  
qualified distribution center during the preceding year. 3328

(III) An operator may appeal a determination under 3329  
division (F) (2) (z) (ii) (I) or (II) of this section that the 3330  
ineligible operator is liable for the operator's supplier tax 3331  
liability as a result of not qualifying as a qualified 3332  
distribution center, as provided in section 5717.02 of the 3333  
Revised Code. 3334

(iii) When filing an application for a qualifying 3335  
certificate under division (F) (2) (z) (i) (VI) of this section, the 3336  
operator of a qualified distribution center also shall provide 3337  
documentation, as the commissioner requires, for the 3338  
commissioner to ascertain the Ohio delivery percentage. The 3339  
commissioner, upon issuing the qualifying certificate, also 3340  
shall certify the Ohio delivery percentage. The operator of the 3341  
qualified distribution center may appeal the commissioner's 3342  
certification of the Ohio delivery percentage in the same manner 3343  
as an appeal is taken from the denial of a qualifying 3344  
certificate under division (F) (2) (z) (i) (VI) of this section. 3345

(iv) (I) In the case where the distribution center is new 3346  
and not open for the entire qualifying period, the operator 3347  
shall make a good faith estimate of an Ohio delivery percentage 3348  
for use by suppliers in their reports of taxable gross receipts 3349  
for the remainder of the qualifying period. The operator of the 3350  
facility shall disclose to the suppliers that such Ohio delivery 3351

percentage is an estimate and is subject to recalculation. By 3352  
the due date of the next application for a qualifying 3353  
certificate, the operator shall determine the actual Ohio 3354  
delivery percentage for the estimated qualifying period and 3355  
proceed as provided in division (F) (2) (z) (iii) of this section 3356  
with respect to the calculation and recalculation of the Ohio 3357  
delivery percentage. The supplier is required to file, within 3358  
sixty days after receiving notice from the operator of the 3359  
qualified distribution center, amended reports for the impacted 3360  
calendar quarter or quarters or calendar year, whichever the 3361  
case may be. Any additional tax liability or tax overpayment 3362  
shall be subject to interest but shall not be subject to the 3363  
imposition of any penalty so long as the amended returns are 3364  
timely filed. 3365

(II) The operator of a distribution center that receives a 3366  
qualifying certificate under division (F) (2) (z) (ii) (II) of this 3367  
section shall make a good faith estimate of the Ohio delivery 3368  
percentage that the operator estimates will apply to the 3369  
distribution center at the end of the thirty-six-month period 3370  
after the operator first applied for a qualifying certificate 3371  
under that division. The result of the estimate shall be 3372  
multiplied by a factor of one and seventy-five one-hundredths. 3373  
The product of that calculation shall be the Ohio delivery 3374  
percentage used by suppliers in their reports of taxable gross 3375  
receipts for each qualifying year that the distribution center 3376  
receives a qualifying certificate under division (F) (2) (z) (ii) 3377  
(II) of this section, except that, if the product is less than 3378  
five per cent, the Ohio delivery percentage used shall be five 3379  
per cent and that, if the product exceeds forty-nine per cent, 3380  
the Ohio delivery percentage used shall be forty-nine per cent. 3381

(v) Qualifying certificates and Ohio delivery percentages 3382

issued by the commissioner shall be open to public inspection 3383  
and shall be timely published by the commissioner. A supplier 3384  
relying in good faith on a certificate issued under this 3385  
division shall not be subject to tax on the qualifying 3386  
distribution center receipts under division (F)(2)(z) of this 3387  
section. An operator receiving a qualifying certificate is 3388  
liable for the ineligible operator's supplier tax liability for 3389  
each year the operator received a certificate but did not 3390  
qualify as a qualified distribution center. 3391

(vi) The annual fee for a qualifying certificate shall be 3392  
one hundred thousand dollars for each qualified distribution 3393  
center. If a qualifying certificate is not issued, the annual 3394  
fee is subject to refund after the exhaustion of all appeals 3395  
provided for in division (F)(2)(z)(i)(VI) of this section. The 3396  
first one hundred thousand dollars of the annual application 3397  
fees collected each calendar year shall be credited to the 3398  
revenue enhancement fund. The remainder of the annual 3399  
application fees collected shall be distributed in the same 3400  
manner required under section 5751.20 of the Revised Code. 3401

(vii) The tax commissioner may require that adequate 3402  
security be posted by the operator of the distribution center on 3403  
appeal when the commissioner disagrees that the applicant has 3404  
met the minimum thresholds for a qualified distribution center 3405  
as set forth in division (F)(2)(z) of this section. 3406

(aa) Receipts of an employer from payroll deductions 3407  
relating to the reimbursement of the employer for advancing 3408  
moneys to an unrelated third party on an employee's behalf; 3409

(bb) Cash discounts allowed and taken; 3410

(cc) Returns and allowances; 3411

(dd) Bad debts from receipts on the basis of which the tax 3412  
imposed by this chapter was paid in a prior quarterly tax 3413  
payment period. For the purpose of this division, "bad debts" 3414  
means any debts that have become worthless or uncollectible 3415  
between the preceding and current quarterly tax payment periods, 3416  
have been uncollected for at least six months, and that may be 3417  
claimed as a deduction under section 166 of the Internal Revenue 3418  
Code and the regulations adopted under that section, or that 3419  
could be claimed as such if the taxpayer kept its accounts on 3420  
the accrual basis. "Bad debts" does not include repossessed 3421  
property, uncollectible amounts on property that remains in the 3422  
possession of the taxpayer until the full purchase price is 3423  
paid, or expenses in attempting to collect any account 3424  
receivable or for any portion of the debt recovered; 3425

(ee) Any amount realized from the sale of an account 3426  
receivable to the extent the receipts from the underlying 3427  
transaction giving rise to the account receivable were included 3428  
in the gross receipts of the taxpayer; 3429

(ff) Any receipts directly attributed to a transfer 3430  
agreement or to the enterprise transferred under that agreement 3431  
under section 4313.02 of the Revised Code. 3432

(gg) (i) As used in this division: 3433

(I) "Qualified uranium receipts" means receipts from the 3434  
sale, exchange, lease, loan, production, processing, or other 3435  
disposition of uranium within a uranium enrichment zone 3436  
certified by the tax commissioner under division (F) (2) (gg) (ii) 3437  
of this section. "Qualified uranium receipts" does not include 3438  
any receipts with a situs in this state outside a uranium 3439  
enrichment zone certified by the tax commissioner under division 3440  
(F) (2) (gg) (ii) of this section. 3441

(II) "Uranium enrichment zone" means all real property 3442  
that is part of a uranium enrichment facility licensed by the 3443  
United States nuclear regulatory commission and that was or is 3444  
owned or controlled by the United States department of energy or 3445  
its successor. 3446

(ii) Any person that owns, leases, or operates real or 3447  
tangible personal property constituting or located within a 3448  
uranium enrichment zone may apply to the tax commissioner to 3449  
have the uranium enrichment zone certified for the purpose of 3450  
excluding qualified uranium receipts under division (F) (2) (gg) 3451  
of this section. The application shall include such information 3452  
that the tax commissioner prescribes. Within sixty days after 3453  
receiving the application, the tax commissioner shall certify 3454  
the zone for that purpose if the commissioner determines that 3455  
the property qualifies as a uranium enrichment zone as defined 3456  
in division (F) (2) (gg) of this section, or, if the tax 3457  
commissioner determines that the property does not qualify, the 3458  
commissioner shall deny the application or request additional 3459  
information from the applicant. If the tax commissioner denies 3460  
an application, the commissioner shall state the reasons for the 3461  
denial. The applicant may appeal the denial of an application to 3462  
the board of tax appeals pursuant to section 5717.02 of the 3463  
Revised Code. If the applicant files a timely appeal, the tax 3464  
commissioner shall conditionally certify the applicant's 3465  
property. The conditional certification shall expire when all of 3466  
the applicant's appeals are exhausted. Until final resolution of 3467  
the appeal, the applicant shall retain the applicant's records 3468  
in accordance with section 5751.12 of the Revised Code, 3469  
notwithstanding any time limit on the preservation of records 3470  
under that section. 3471

(hh) In the case of amounts collected by a licensed casino 3472

operator from casino gaming, amounts in excess of the casino 3473  
operator's gross casino revenue. In this division, "casino 3474  
operator" and "casino gaming" have the meanings defined in 3475  
section 3772.01 of the Revised Code, and "gross casino revenue" 3476  
has the meaning defined in section 5753.01 of the Revised Code. 3477

(ii) Receipts realized from the sale of agricultural 3478  
commodities by an agricultural commodity handler, both as 3479  
defined in section 926.01 of the Revised Code, that is licensed 3480  
by the director of agriculture to handle agricultural 3481  
commodities in this state. 3482

(jj) Qualifying integrated supply chain receipts. 3483

As used in division (F)(2)(jj) of this section: 3484

(i) "Qualifying integrated supply chain receipts" means 3485  
receipts of a qualified integrated supply chain vendor from the 3486  
sale of qualified property delivered to, or integrated supply 3487  
chain services provided to, another qualified integrated supply 3488  
chain vendor or to a retailer that is a member of the integrated 3489  
supply chain. "Qualifying integrated supply chain receipts" does 3490  
not include receipts of a person that is not a qualified 3491  
integrated supply chain vendor from the sale of raw materials to 3492  
a member of an integrated supply chain, or receipts of a member 3493  
of an integrated supply chain from the sale of qualified 3494  
property or integrated supply chain services to a person that is 3495  
not a member of the integrated supply chain. 3496

(ii) "Qualified property" means any of the following: 3497

(I) Component parts used to hold, contain, package, or 3498  
dispense qualified products, excluding equipment; 3499

(II) Work-in-process inventory that will become, comprise, 3500  
or form a component part of a qualified product capable of being 3501

sold at retail, excluding equipment, machinery, furniture, and 3502  
fixtures; 3503

(III) Finished goods inventory that is a qualified product 3504  
capable of being sold at retail in the inventory's present form. 3505

(iii) "Qualified integrated supply chain vendor" means a 3506  
person that is a member of an integrated supply chain and that 3507  
provides integrated supply chain services within a qualified 3508  
integrated supply chain district to a retailer that is a member 3509  
of the integrated supply chain or to another qualified 3510  
integrated supply chain vendor that is located within the same 3511  
such district as the person but does not share a common owner 3512  
with that person. 3513

(iv) "Qualified product" means a personal care, health, or 3514  
beauty product or an aromatic product, including a candle. 3515  
"Qualified product" does not include a drug that may be 3516  
dispensed only pursuant to a prescription, durable medical 3517  
equipment, mobility enhancing equipment, or a prosthetic device, 3518  
as those terms are defined in section 5739.01 of the Revised 3519  
Code. 3520

(v) "Integrated supply chain" means two or more qualified 3521  
integrated supply chain vendors certified on the most recent 3522  
list certified to the tax commissioner under this division that 3523  
systematically collaborate and coordinate business operations 3524  
with a retailer on the flow of tangible personal property from 3525  
material sourcing through manufacturing, assembly, packaging, 3526  
and delivery to the retailer to improve long-term financial 3527  
performance of each vendor and the supply chain that includes 3528  
the retailer. 3529

For the purpose of the certification required under this 3530

division, the reporting person for each retailer, on or before 3531  
the first day of October of each year, shall certify to the tax 3532  
commissioner a list of the qualified integrated supply chain 3533  
vendors providing or receiving integrated supply chain services 3534  
within a qualified integrated supply chain district for the 3535  
ensuing calendar year. On or before the following first day of 3536  
November, the commissioner shall issue a certificate to the 3537  
retailer and to each vendor certified to the commissioner on 3538  
that list. The certificate shall include the names of the 3539  
retailer and of the qualified integrated supply chain vendors. 3540

The retailer shall notify the commissioner of any changes 3541  
to the list, including additions to or subtractions from the 3542  
list or changes in the name or legal entity of vendors certified 3543  
on the list, within sixty days after the date the retailer 3544  
becomes aware of the change. Within thirty days after receiving 3545  
that notification, the commissioner shall issue a revised 3546  
certificate to the retailer and to each vendor certified on the 3547  
list. The revised certificate shall include the effective date 3548  
of the change. 3549

Each recipient of a certificate issued pursuant to this 3550  
division shall maintain a copy of the certificate for four years 3551  
from the date the certificate was received. 3552

(vi) "Integrated supply chain services" means procuring 3553  
raw materials or manufacturing, processing, refining, 3554  
assembling, packaging, or repackaging tangible personal property 3555  
that will become finished goods inventory capable of being sold 3556  
at retail by a retailer that is a member of an integrated supply 3557  
chain. 3558

(vii) "Retailer" means a person primarily engaged in 3559  
making retail sales and any member of that person's consolidated 3560

elected taxpayer group or combined taxpayer group, whether or 3561  
not that member is primarily engaged in making retail sales. 3562

(viii) "Qualified integrated supply chain district" means 3563  
the parcel or parcels of land from which a retailer's integrated 3564  
supply chain that existed on September 29, 2015, provides or 3565  
receives integrated supply chain services, and to which all of 3566  
the following apply: 3567

(I) The parcel or parcels are located wholly in a county 3568  
having a population of greater than one hundred sixty-five 3569  
thousand but less than one hundred seventy thousand based on the 3570  
2010 federal decennial census. 3571

(II) The parcel or parcels are located wholly in the 3572  
corporate limits of a municipal corporation with a population 3573  
greater than seven thousand five hundred and less than eight 3574  
thousand based on the 2010 federal decennial census that is 3575  
partly located in the county described in division (F) (2) (jj) 3576  
(viii) (I) of this section, as those corporate limits existed on 3577  
September 29, 2015. 3578

(III) The aggregate acreage of the parcel or parcels 3579  
equals or exceeds one hundred acres. 3580

(kk) In the case of a railroad company described in 3581  
division (D) (9) of section 5727.01 of the Revised Code that 3582  
purchases dyed diesel fuel directly from a supplier as defined 3583  
by section 5736.01 of the Revised Code, an amount equal to the 3584  
product of the number of gallons of dyed diesel fuel purchased 3585  
directly from such a supplier multiplied by the average 3586  
wholesale price for a gallon of diesel fuel as determined under 3587  
section 5736.02 of the Revised Code for the period during which 3588  
the fuel was purchased multiplied by a fraction, the numerator 3589

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.

(ll) 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) (ll) 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 3619  
accounting for federal income tax purposes for the taxpayer's 3620  
federal taxable year that includes the tax period. If a 3621  
taxpayer's method of accounting for federal income tax purposes 3622  
changes, its method of accounting for gross receipts under this 3623  
chapter shall be changed accordingly. 3624

(G) "Taxable gross receipts" means gross receipts situated 3625  
to this state under section 5751.033 of the Revised Code. 3626

(H) A person has "substantial nexus with this state" if 3627  
any of the following applies. The person: 3628

(1) Owns or uses a part or all of its capital in this 3629  
state; 3630

(2) Holds a certificate of compliance with the laws of 3631  
this state authorizing the person to do business in this state; 3632

(3) Has bright-line presence in this state; 3633

(4) Otherwise has nexus with this state to an extent that 3634  
the person can be required to remit the tax imposed under this 3635  
chapter under the Constitution of the United States. 3636

(I) A person has "bright-line presence" in this state for 3637  
a reporting period and for the remaining portion of the calendar 3638  
year if any of the following applies. The person: 3639

(1) Has at any time during the calendar year property in 3640  
this state with an aggregate value of at least fifty thousand 3641  
dollars. For the purpose of division (I)(1) of this section, 3642  
owned property is valued at original cost and rented property is 3643  
valued at eight times the net annual rental charge. 3644

(2) Has during the calendar year payroll in this state of 3645  
at least fifty thousand dollars. Payroll in this state includes 3646

all of the following: 3647

(a) Any amount subject to withholding by the person under 3648  
section 5747.06 of the Revised Code; 3649

(b) Any other amount the person pays as compensation to an 3650  
individual under the supervision or control of the person for 3651  
work done in this state; and 3652

(c) Any amount the person pays for services performed in 3653  
this state on its behalf by another. 3654

(3) Has during the calendar year taxable gross receipts of 3655  
at least five hundred thousand dollars. 3656

(4) Has at any time during the calendar year within this 3657  
state at least twenty-five per cent of the person's total 3658  
property, total payroll, or total gross receipts. 3659

(5) Is domiciled in this state as an individual or for 3660  
corporate, commercial, or other business purposes. 3661

(J) "Tangible personal property" has the same meaning as 3662  
in section 5739.01 of the Revised Code. 3663

(K) "Internal Revenue Code" means the Internal Revenue 3664  
Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term 3665  
used in this chapter that is not otherwise defined has the same 3666  
meaning as when used in a comparable context in the laws of the 3667  
United States relating to federal income taxes unless a 3668  
different meaning is clearly required. Any reference in this 3669  
chapter to the Internal Revenue Code includes other laws of the 3670  
United States relating to federal income taxes. 3671

(L) "Calendar quarter" means a three-month period ending 3672  
on the thirty-first day of March, the thirtieth day of June, the 3673  
thirtieth day of September, or the thirty-first day of December. 3674

(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. 3675  
3676  
3677

(N) "Calendar year taxpayer" means a taxpayer for which the tax period is a calendar year. 3678  
3679

(O) "Calendar quarter taxpayer" means a taxpayer for which the tax period is a calendar quarter. 3680  
3681

(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: 3682  
3683  
3684

(1) A person receiving a fee to sell financial instruments; 3685  
3686

(2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person; 3687  
3688  
3689

(3) A person issuing licenses and permits under section 1533.13 of the Revised Code; 3690  
3691

(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code; 3692  
3693

(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code. 3694  
3695

(Q) "Received" includes amounts accrued under the accrual method of accounting. 3696  
3697

(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 3698  
3699  
3700  
3701

matters under this chapter, or, for the purposes of section 3702  
5751.04 of the Revised Code, a separate taxpayer that is not a 3703  
member of such a group. 3704

**Sec. 5753.01.** As used in Chapter 5753. of the Revised Code 3705  
and for no other purpose under Title LVII of the Revised Code: 3706

(A) "Casino facility" has the same meaning as in section 3707  
3772.01 of the Revised Code. 3708

(B) "Casino gaming" has the same meaning as in section 3709  
3772.01 of the Revised Code. 3710

(C) "Casino operator" has the same meaning as in section 3711  
3772.01 of the Revised Code. 3712

(D) "Gross casino revenue" means the total amount of money 3713  
exchanged for the purchase of chips, tokens, tickets, electronic 3714  
cards, or similar objects by casino patrons, less winnings paid 3715  
to wagerers. "Gross casino revenue" does not include the 3716  
issuance to casino patrons or wagering by casino patrons of any 3717  
promotional gaming credit as defined in section 3772.01 of the 3718  
Revised Code. When issuance of the promotional gaming credit 3719  
requires money exchanged as a match from the patron, the 3720  
excludible portion of the promotional gaming credit does not 3721  
include the portion of the wager purchased by the patron. 3722

(E) "Person" has the same meaning as in section 3772.01 of 3723  
the Revised Code. 3724

(F) "Slot machine" has the same meaning as in section 3725  
3772.01 of the Revised Code. 3726

(G) "Sports gaming facility" and "sports gaming agent" 3727  
have the same meanings as in section 3770.30 of the Revised 3728  
Code. 3729

<u>(H) "Sports gaming receipts" means the total gross</u>	3730
<u>receipts received by a sports gaming agent from the operation of</u>	3731
<u>sports gaming in this state, less the total of the following:</u>	3732
<u>(1) All cash and cash equivalents paid as winnings to</u>	3733
<u>sports gaming patrons;</u>	3734
<u>(2) The dollar amount of all voided wagers;</u>	3735
<u>(3) Federal excise taxes paid by the sports gaming agent</u>	3736
<u>pursuant to 26 U.S.C. 4401;</u>	3737
<u>(4) Uncollectible amounts due to the sports gaming agent</u>	3738
<u>from patrons as a result of sports gaming operations, provided</u>	3739
<u>that the amount has become worthless or uncollectible during the</u>	3740
<u>current tax period, has been uncollected for at least six</u>	3741
<u>months, and may be claimed as a deduction pursuant to section</u>	3742
<u>166 of the Internal Revenue Code, and regulations adopted</u>	3743
<u>pursuant thereto, or that could be claimed as such a deduction</u>	3744
<u>if the sports gaming agent kept accounts on an accrual basis.</u>	3745
<u>(I) "Table game" has the same meaning as in section</u>	3746
<u>3772.01 of the Revised Code.</u>	3747
<del>(H)</del> <u>(J) "Taxpayer" means a casino operator subject to the</u>	3748
<u>tax levied under section 5753.02 of the Revised Code or a sports</u>	3749
<u>gaming agent subject to the tax levied under section 5753.021 of</u>	3750
<u>the Revised Code.</u>	3751
<u>(K) "Tax period" means one twenty-four-hour period with</u>	3752
<u>regard to which a <del>casino operator taxpayer</del> is required to pay</u>	3753
<u>the tax levied by <del>this chapter</del> section 5753.02 or 5753.021 of</u>	3754
<u>the Revised Code.</u>	3755
<u>Sec. 5753.021. For the purposes of funding the education</u>	3756
<u>needs of this state, funding efforts to alleviate problem</u>	3757

gambling and addiction, and of defraying the costs of enforcing 3758  
and administering the law governing sports gaming and the tax 3759  
levied by this section, a tax is hereby levied on the sports 3760  
gaming receipts of a sports gaming agent at the rate of ten per 3761  
cent of the sports gaming receipts received by the agent from 3762  
the operation of sports gaming in this state. 3763

The tax imposed under this section is in addition to any 3764  
other taxes or fees imposed under the Revised Code. 3765

**Sec. 5753.03.** (A) For the purpose of receiving and 3766  
distributing, and accounting for, revenue received from the tax 3767  
levied by section 5753.02 of the Revised Code, the following 3768  
funds are created in the state treasury: 3769

(1) The casino tax revenue fund; 3770

(2) The gross casino revenue county fund; 3771

(3) The gross casino revenue county student fund; 3772

(4) The gross casino revenue host city fund; 3773

(5) The Ohio state racing commission fund; 3774

(6) The Ohio law enforcement training fund; 3775

(7) The problem casinogambling and addictions fund; 3776

(8) The casino control commission fund; 3777

(9) The casino tax administration fund; 3778

(10) The peace officer training academy fund; 3779

(11) The criminal justice services casino tax revenue 3780  
fund. 3781

(B) All moneys collected from the tax levied under ~~this~~ 3782  
~~chapter~~ section 5753.02 of the Revised Code shall be deposited 3783

into the casino tax revenue fund. 3784

(C) From the casino tax revenue fund the director of 3785  
budget and management shall transfer as needed to the tax refund 3786  
fund amounts equal to the refunds certified by the tax 3787  
commissioner under section 5753.06 of the Revised Code and 3788  
attributable to the tax levied under section 5753.02 of the 3789  
Revised Code. 3790

(D) After making any transfers required by division (C) of 3791  
this section, but not later than the fifteenth day of the month 3792  
following the end of each calendar quarter, the director of 3793  
budget and management shall transfer amounts to each fund as 3794  
follows: 3795

(1) Fifty-one per cent to the gross casino revenue county 3796  
fund to make payments as required by Section 6(C)(3)(a) of 3797  
Article XV, Ohio Constitution; 3798

(2) Thirty-four per cent to the gross casino revenue 3799  
county student fund to make payments as required by Section 6(C) 3800  
(3)(b) of Article XV, Ohio Constitution and as provided in 3801  
section 5753.11 of the Revised Code; 3802

(3) Five per cent to the gross casino revenue host city 3803  
fund for the benefit of the cities in which casino facilities 3804  
are located; 3805

(4) Three per cent to the Ohio state racing commission 3806  
fund to support the efforts and activities of the Ohio state 3807  
racing commission to promote horse racing in this state at which 3808  
the pari-mutuel system of wagering is conducted; 3809

(5) Two per cent to the Ohio law enforcement training fund 3810  
to support law enforcement functions in the state; 3811

(6) Two per cent to the problem casino gambling and 3812  
addictions fund to support efforts of the department of mental 3813  
health and addiction services to alleviate problem gambling and 3814  
substance abuse and related research in the state under section 3815  
5119.47 of the Revised Code; 3816

(7) Three per cent to the casino control commission fund 3817  
to support the operations of the Ohio casino control commission 3818  
and to defray the cost of administering the tax levied under 3819  
section 5753.02 of the Revised Code. 3820

Payments under divisions (D)(1) and (3) of this section 3821  
shall be made by the end of the month following the end of the 3822  
quarterly period. The tax commissioner shall make the data 3823  
available to the director of budget and management for this 3824  
purpose. 3825

Money in the Ohio state racing commission fund shall be 3826  
distributed at the discretion of the Ohio state racing 3827  
commission for the purpose stated in division (D)(4) of this 3828  
section by the end of the month following the end of the 3829  
quarterly period. The commission may retain up to five per cent 3830  
of the amount transferred to the fund under division (D)(4) of 3831  
this section for operating expenses necessary for the 3832  
administration of the fund. 3833

Payments from the gross casino revenue county student fund 3834  
as required under section 5753.11 of the Revised Code shall be 3835  
made by the last day of January and by the last day of August of 3836  
each year, beginning in 2013. The tax commissioner shall make 3837  
the data available to the director of budget and management for 3838  
this purpose. 3839

Of the money credited to the Ohio law enforcement training 3840

fund, the director of budget and management shall distribute 3841  
eighty-five per cent of the money to the police officer training 3842  
academy fund for the purpose of supporting the law enforcement 3843  
training efforts of the Ohio peace officer training academy and 3844  
fifteen per cent of the money to the criminal justice services 3845  
casino tax revenue fund for the purpose of supporting the law 3846  
enforcement training efforts of the division of criminal justice 3847  
services. 3848

(E) (1) The tax commissioner shall serve as an agent of the 3849  
counties of this state only for the purposes of this division 3850  
and solely to make payments directly to municipal corporations 3851  
and school districts, as applicable, on the counties' behalf. 3852

(2) On or before the last day of the month following the 3853  
end of each calendar quarter, the tax commissioner shall provide 3854  
for payment from the funds referenced in divisions (D) (1) and 3855  
(3) of this section to each county and municipal corporation as 3856  
prescribed in those divisions. 3857

(3) On or before the last day of January and the last day 3858  
of August each year, the commissioner shall provide for payments 3859  
from the fund referenced in division (D) (2) of this section to 3860  
each school district as prescribed in that division. 3861

(F) The director of budget and management shall transfer 3862  
one per cent of the money credited to the casino control 3863  
commission fund to the casino tax administration fund. The tax 3864  
commissioner shall use the casino tax administration fund to 3865  
defray the costs incurred in administering the tax levied ~~by~~ 3866  
~~this chapter~~ under section 5753.02 of the Revised Code. 3867

(G) All investment earnings of the gross casino revenue 3868  
county student fund shall be credited to the fund. 3869

Sec. 5753.031. (A) For the purpose of receiving and 3870  
distributing, and accounting for, revenue received from the tax 3871  
levied by section 5753.021 of the Revised Code and from fees and 3872  
finances imposed under Chapter 3770. of the Revised Code relating 3873  
to sports gaming, the following funds are created in the state 3874  
treasury: 3875

(1) The sports gaming revenue fund; 3876

(2) The lottery commission sports gaming fund; 3877

(3) The casino control commission sports gaming fund; 3878

(4) The problem sports gaming and addiction fund; 3879

(5) The sports gaming tax administration fund. 3880

(B) All moneys collected from the tax levied under section 3881  
5753.021 of the Revised Code and any fines and fees collected 3882  
under Chapter 3770. of the Revised Code relating to sports 3883  
gaming shall be deposited into the sports gaming revenue fund. 3884

(C) From the sports gaming revenue fund, the director of 3885  
budget and management shall transfer as needed to the tax refund 3886  
fund amounts equal to the refunds certified by the tax 3887  
commissioner under section 5753.06 of the Revised Code and 3888  
attributable to the tax levied under section 5753.021 of the 3889  
Revised Code. 3890

(D) Not later than the fifteenth day of each month, the 3891  
director of budget and management shall transfer the following 3892  
amounts from the sports gaming revenue fund: 3893

(1) To the lottery commission sports gaming fund, the 3894  
amount necessary to reimburse the state lottery commission's 3895  
actual operating costs and expenses incurred in administering 3896  
the provisions of Chapter 3770. of the Revised Code that relate 3897

to sports gaming. The amount transferred under division (D) (1) 3898  
of this section shall not exceed ten per cent of the revenue 3899  
credited to the sports gaming revenue fund in the preceding 3900  
month. 3901

(2) To the casino control commission sports gaming fund, 3902  
the amount necessary to reimburse the Ohio casino control 3903  
commission's actual expenses incurred to assist in implementing 3904  
and enforcing Chapter 3770. of the Revised Code; 3905

(3) To the sports gaming tax administration fund, the 3906  
amount necessary to reimburse the department of taxation's 3907  
actual expenses incurred in administering the tax levied under 3908  
section 5753.021 of the Revised Code. 3909

(E) Of the amount in the sports gaming revenue fund 3910  
remaining after making the transfers required by divisions (C) 3911  
and (D) of this section, the director of budget and management 3912  
shall transfer, on or before the fifteenth day of the month 3913  
following the end of each calendar quarter, amounts to each fund 3914  
as follows: 3915

(1) Ninety-eight per cent to the lottery profits education 3916  
fund; 3917

(2) Two per cent to the problem sports gaming and 3918  
addiction fund to support the state's efforts to alleviate 3919  
problem sports gaming. 3920

(F) All interest generated by the funds created under this 3921  
section shall be credited back to the fund. 3922

**Sec. 5753.04.** (A) Daily each day banks are open for 3923  
business, not later than noon, a ~~casino operator~~ each taxpayer 3924  
shall file a return electronically with the tax commissioner. 3925  
The return shall be in the form required by the tax 3926

commissioner, and shall reflect the relevant tax period. The 3927  
return shall include, but is not limited to, the amount of the 3928  
~~casino operator's taxpayer's~~ gross casino revenue or sports 3929  
gaming receipts for the tax period and the amount of tax due 3930  
under section 5753.02 or 5753.021 of the Revised Code for the 3931  
tax period. The ~~casino operator taxpayer~~ shall remit 3932  
electronically with the return the tax due. 3933

(B) If a sports gaming agent's sports gaming receipts for 3934  
a tax period are less than zero because the winnings paid by the 3935  
agent to wagerers exceeds the agent's total gross receipts from 3936  
the operation of sports gaming for that tax period, the tax 3937  
commissioner shall allow the agent to carry forward the deficit 3938  
to subsequent tax periods until the agent's sports gaming 3939  
receipts are greater than zero. 3940

A deficit may not be carried back to a prior tax period 3941  
and no payment previously made shall be refunded, except if the 3942  
agent surrenders its sports gaming agent license and the agent's 3943  
last return reported a deficit. In that case, the commissioner 3944  
shall multiply the deficit by ten per cent and pay that amount 3945  
to the agent in the manner prescribed by the commissioner. 3946

(C) If ~~the~~ a casino operator or sports gaming agent ceases 3947  
to be a taxpayer at any time, the ~~casino operator~~ or agent shall 3948  
indicate the last date for which the ~~casino operator~~ or agent 3949  
was liable for the tax. The return shall include a space for 3950  
this purpose. 3951

**Sec. 5753.05.** (A) (1) A ~~casino operator taxpayer~~ who fails 3952  
to file a return or to remit the tax due as required by section 3953  
5753.04 of the Revised Code shall pay a penalty not to exceed 3954  
the greater of five hundred dollars or ten per cent of the tax 3955  
due. 3956

(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 3986  
Ohio casino control commission or the state lottery commission, 3987  
as applicable, may suspend the ~~casino operator's~~ or agent's 3988  
license. 3989

**Sec. 5753.06.** (A) A ~~casino operator taxpayer~~ may apply to 3990  
the tax commissioner for refund of the amount of taxes under 3991  
section 5753.02 or 5753.021 of the Revised Code that were 3992  
overpaid, paid illegally or erroneously, or paid on an illegal 3993  
or erroneous assessment. The application shall be on a form 3994  
prescribed by the tax commissioner. The ~~casino operator taxpayer~~ 3995  
shall provide the amount of the requested refund along with the 3996  
claimed reasons for, and documentation to support, the issuance 3997  
of a refund. The ~~casino operator taxpayer~~ shall file the 3998  
application with the tax commissioner within four years after 3999  
the date the payment was made, unless the applicant has waived 4000  
the time limitation under division (D) of section 5753.07 of the 4001  
Revised Code. In the latter event, the four-year limitation is 4002  
extended for the same period of time as the waiver. 4003

(B) Upon the filing of a refund application, the tax 4004  
commissioner shall determine the amount of refund to which the 4005  
applicant is entitled. If the amount is not less than that 4006  
claimed, the tax commissioner shall certify the amount to the 4007  
director of budget and management and treasurer of state for 4008  
payment from the tax refund fund. If the amount is less than 4009  
that claimed, the tax commissioner shall proceed under section 4010  
5703.70 of the Revised Code. 4011

(C) Interest on a refund applied for under this section, 4012  
computed at the rate provided for in section 5703.47 of the 4013  
Revised Code, shall be allowed from the later of the date the 4014  
tax was due or the date payment of the tax was made. Except as 4015

provided in section 5753.07 of the Revised Code, the tax 4016  
commissioner may, with the consent of the ~~casino operator~~ 4017  
taxpayer, provide for crediting against the tax due for a tax 4018  
period, the amount of any refund due the ~~casino operator~~ 4019  
taxpayer for a preceding tax period. 4020

(D) Refunds under this section are subject to offset under 4021  
section 5753.061 of the Revised Code. 4022

**Sec. 5753.061.** As used in this section, "debt to the 4023  
state" means unpaid taxes that are due the state, unpaid 4024  
workers' compensation premiums that are due, unpaid unemployment 4025  
compensation contributions that are due, unpaid unemployment 4026  
compensation payments in lieu of contributions that are due, 4027  
unpaid fees payable to the state or to the clerk of courts under 4028  
section 4505.06 of the Revised Code, incorrect medical 4029  
assistance payments, or any unpaid charge, penalty, or interest 4030  
arising from any of the foregoing. A debt to the state is not a 4031  
"debt to the state" as used in this section unless the liability 4032  
underlying the debt to the state has become incontestable 4033  
because the time for appealing, reconsidering, reassessing, or 4034  
otherwise questioning the liability has expired or the liability 4035  
has been finally determined to be valid. 4036

If a ~~casino operator~~ taxpayer who is entitled to a refund 4037  
under section 5753.06 of the Revised Code owes a debt to the 4038  
state, the amount refundable may be applied in satisfaction of 4039  
the debt to the state. If the amount refundable is less than the 4040  
amount of the debt to the state, the amount refundable may be 4041  
applied in partial satisfaction of the debt. If the amount 4042  
refundable is greater than the amount of the debt, the amount 4043  
refundable remaining after satisfaction of the debt shall be 4044  
refunded to the ~~casino operator~~ taxpayer. 4045

**Sec. 5753.07.** (A) (1) The tax commissioner may issue an 4046  
assessment, based on any information in the tax commissioner's 4047  
possession, against a ~~casino operator~~ taxpayer who fails to pay 4048  
the tax levied under section 5753.02 or 5753.021 of the Revised 4049  
Code or to file a return under section 5753.04 of the Revised 4050  
Code. The tax commissioner shall give the ~~casino operator~~ 4051  
taxpayer written notice of the assessment under section 5703.37 4052  
of the Revised Code. With the notice, the tax commissioner shall 4053  
include instructions on how to petition for reassessment and on 4054  
how to request a hearing with respect to the petition. 4055

(2) Unless the ~~casino operator~~ taxpayer, within sixty days 4056  
after service of the notice of assessment, files with the tax 4057  
commissioner, either personally or by certified mail, a written 4058  
petition signed by the ~~casino operator~~ taxpayer, or by the 4059  
~~casino operator's~~ taxpayer's authorized agent who has knowledge 4060  
of the facts, the assessment becomes final, and the amount of 4061  
the assessment is due and payable from the ~~casino operator~~ 4062  
taxpayer to the treasurer of state. The petition shall indicate 4063  
the ~~casino operator's~~ taxpayer's objections to the assessment. 4064  
Additional objections may be raised in writing if they are 4065  
received by the tax commissioner before the date shown on the 4066  
final determination. 4067

(3) If a petition for reassessment has been properly 4068  
filed, the tax commissioner shall proceed under section 5703.60 4069  
of the Revised Code. 4070

(4) After an assessment becomes final, if any portion of 4071  
the assessment, including penalties and accrued interest, 4072  
remains unpaid, the tax commissioner may file a certified copy 4073  
of the entry making the assessment final in the office of the 4074  
clerk of the court of common pleas of Franklin county or in the 4075

office of the clerk of the court of common pleas of the county 4076  
in which the ~~casino operator taxpayer~~ resides, the ~~casino-~~ 4077  
~~operator's taxpayer's~~ casino facility or sports gaming facility 4078  
is located, or the ~~casino operator's taxpayer's~~ principal place 4079  
of business in this state is located. Immediately upon the 4080  
filing of the entry, the clerk shall enter a judgment for the 4081  
state against the taxpayer assessed in the amount shown on the 4082  
entry. The judgment may be filed by the clerk in a loose-leaf 4083  
book entitled, "special judgments for the gross casino revenue 4084  
tax and sports gaming receipts tax." The judgment has the same 4085  
effect as other judgments. Execution shall issue upon the 4086  
judgment at the request of the tax commissioner, and all laws 4087  
applicable to sales on execution apply to sales made under the 4088  
judgment. 4089

(5) If the assessment is not paid in its entirety within 4090  
sixty days after the day the assessment was issued, the portion 4091  
of the assessment consisting of tax due shall bear interest at 4092  
the rate per annum prescribed by section 5703.47 of the Revised 4093  
Code from the day the tax commissioner issued the assessment 4094  
until the assessment is paid or until it is certified to the 4095  
attorney general for collection under section 131.02 of the 4096  
Revised Code, whichever comes first. If the unpaid portion of 4097  
the assessment is certified to the attorney general for 4098  
collection, the entire unpaid portion of the assessment shall 4099  
bear interest at the rate per annum prescribed by section 4100  
5703.47 of the Revised Code from the date of certification until 4101  
the date it is paid in its entirety. Interest shall be paid in 4102  
the same manner as the tax levied under section 5753.02 or 4103  
5753.021 of the Revised Code, as applicable, and may be 4104  
collected by the issuance of an assessment under this section. 4105

(B) If the tax commissioner believes that collection of 4106

the tax levied under section 5753.02 or 5753.021 of the Revised 4107  
Code will be jeopardized unless proceedings to collect or secure 4108  
collection of the tax are instituted without delay, the 4109  
commissioner may issue a jeopardy assessment against the ~~casino-~~ 4110  
~~operator who taxpayer that~~ is liable for the tax. Immediately 4111  
upon the issuance of a jeopardy assessment, the tax commissioner 4112  
shall file an entry with the clerk of the court of common pleas 4113  
in the manner prescribed by division (A) (4) of this section, and 4114  
the clerk shall proceed as directed in that division. Notice of 4115  
the jeopardy assessment shall be served on the ~~casino operator-~~ 4116  
taxpayer or the ~~casino operator's taxpayer's~~ authorized agent 4117  
under section 5703.37 of the Revised Code within five days after 4118  
the filing of the entry with the clerk. The total amount 4119  
assessed is immediately due and payable, unless the ~~casino-~~ 4120  
~~operator taxpayer~~ assessed files a petition for reassessment 4121  
under division (A) (2) of this section and provides security in a 4122  
form satisfactory to the tax commissioner that is in an amount 4123  
sufficient to satisfy the unpaid balance of the assessment. If a 4124  
petition for reassessment has been filed, and if satisfactory 4125  
security has been provided, the tax commissioner shall proceed 4126  
under division (A) (3) of this section. Full or partial payment 4127  
of the assessment does not prejudice the tax commissioner's 4128  
consideration of the petition for reassessment. 4129

(C) The tax commissioner shall immediately forward to the 4130  
treasurer of state all amounts the tax commissioner receives 4131  
under this section, and the amounts forwarded shall be treated 4132  
as if they were revenue arising from the tax levied under 4133  
section 5753.02 or 5753.021 of the Revised Code, as applicable. 4134

(D) Except as otherwise provided in this division, no 4135  
assessment shall be issued against a ~~casino operator taxpayer~~ 4136  
for the tax levied under section 5753.02 or 5753.021 of the 4137

Revised Code more than four years after the due date for filing 4138  
the return for the tax period for which the tax was reported, or 4139  
more than four years after the return for the tax period was 4140  
filed, whichever is later. This division does not bar an 4141  
assessment against a ~~casino operator taxpayer~~ who fails to file 4142  
a return as required by section 5753.04 of the Revised Code or 4143  
who files a fraudulent return, or when the ~~casino operator~~ 4144  
~~taxpayer~~ and the tax commissioner waive in writing the time 4145  
limitation. 4146

(E) If the tax commissioner possesses information that 4147  
indicates that the amount of tax a ~~casino operator taxpayer~~ is 4148  
liable to pay under section 5753.02 or 5753.021 of the Revised 4149  
Code exceeds the amount the ~~casino operator taxpayer~~ paid, the 4150  
tax commissioner may audit a sample of the ~~casino operator's~~ 4151  
taxpayer's gross casino revenue or sports gaming receipts, as 4152  
applicable, over a representative period of time to ascertain 4153  
the amount of tax due, and may issue an assessment based on the 4154  
audit. The tax commissioner shall make a good faith effort to 4155  
reach agreement with the ~~casino operator taxpayer~~ in selecting a 4156  
representative sample. The tax commissioner may apply a sampling 4157  
method only if the tax commissioner has prescribed the method by 4158  
rule. 4159

(F) If the whereabouts of a ~~casino operator taxpayer~~ who 4160  
is liable for the tax levied under section 5753.02 or 5753.021 4161  
of the Revised Code are unknown to the tax commissioner, the tax 4162  
commissioner shall proceed under section 5703.37 of the Revised 4163  
Code. 4164

~~(G) If a casino operator fails to pay the tax levied under 4165  
section 5753.02 of the Revised Code within a period of one year 4166  
after the due date for remitting the tax, the Ohio casino 4167~~

~~control commission may suspend the casino operator's license.~~ 4168

**Sec. 5753.08.** If a ~~casino operator taxpayer~~ who is liable 4169  
for the tax levied under section 5753.02 or 5753.021 of the 4170  
Revised Code sells ~~the a~~ casino facility or sports gaming 4171  
facility, disposes of ~~the a~~ casino facility or sports gaming 4172  
facility in any manner other than in the regular course of 4173  
business, or quits the casino gaming or sports gaming business, 4174  
any tax owed by that person becomes immediately due and payable, 4175  
and the person shall pay the tax due, including any applicable 4176  
penalties and interest. The person's successor shall withhold a 4177  
sufficient amount of the purchase money to cover the amounts due 4178  
and unpaid until the predecessor produces a receipt from the tax 4179  
commissioner showing that the amounts due have been paid or a 4180  
certificate indicating that no taxes are due. If the successor 4181  
fails to withhold purchase money, the successor is personally 4182  
liable, up to the purchase money amount, for amounts that were 4183  
unpaid during the operation of the business by the predecessor. 4184

**Sec. 5753.10.** The tax commissioner may prescribe 4185  
requirements for the keeping of records and pertinent documents, 4186  
for the filing of copies of federal income tax returns and 4187  
determinations, and for computations reconciling federal income 4188  
tax returns with the return required by section 5753.04 of the 4189  
Revised Code. The tax commissioner may require a ~~casino operator~~ 4190  
taxpayer, by rule or by notice served on the ~~casino operator~~ 4191  
taxpayer, to keep records and other documents that the tax 4192  
commissioner considers necessary to show the extent to which the 4193  
~~casino operator taxpayer~~ is subject to this chapter. The records 4194  
and other documents shall be open to inspection by the tax 4195  
commissioner during business hours, and shall be preserved for a 4196  
period of four years unless the tax commissioner, in writing, 4197  
consents to their destruction within that period, or by order 4198

served on the ~~casino operator taxpayer~~ requires that they be 4199  
kept longer. If the records are normally kept electronically by 4200  
the ~~casino operator taxpayer~~, the ~~casino operator taxpayer~~ shall 4201  
provide the records to the tax commissioner electronically at 4202  
the tax commissioner's request. 4203

Any information required by the tax commissioner under 4204  
this section is confidential under section 5703.21 of the 4205  
Revised Code. 4206

**Section 2.** That existing sections 109.572, 718.031, 4207  
3770.01, 3770.02, 3770.99, 3772.03, 5703.21, 5747.02, 5747.063, 4208  
5747.064, 5747.08, 5747.20, 5751.01, 5753.01, 5753.03, 5753.04, 4209  
5753.05, 5753.06, 5753.061, 5753.07, 5753.08, and 5753.10 of the 4210  
Revised Code are hereby repealed. 4211

**Section 3.** Section 3770.331 of the Revised Code, as 4212  
enacted by this act, shall take effect twelve months after the 4213  
effective date of this act. 4214

**Section 4.** (A) There is the Sports Gaming Advisory Board, 4215  
which shall consist of five members appointed by the Governor 4216  
with the advice and consent of the Senate. Not more than three 4217  
members of the Board shall be members of the same political 4218  
party. 4219

Members of the Board shall serve without compensation. 4220

No member of the State Lottery Commission or the Ohio 4221  
Casino Control Commission shall serve on the Board. 4222

Each member of the Board shall be a resident of this 4223  
state. 4224

(B) The Sports Gaming Advisory Board shall serve in an 4225  
advisory capacity to the State Lottery Commission and shall 4226

study and develop recommendations for the rules to be adopted by 4227  
the State Lottery Commission under this act with respect to the 4228  
sports gaming lottery. 4229

(C) The Sports Gaming Advisory Board shall make 4230  
recommendations to the State Lottery Commission as it determines 4231  
appropriate. The Board shall cease to exist on the date that is 4232  
three years after the effective date of this act. 4233

**Section 5.** Notwithstanding the amendment of division (C) 4234  
of section 3770.01 of the Revised Code by this act to require 4235  
three members of the State Lottery Commission to possess gaming 4236  
experience, no member of the Commission on the effective date of 4237  
this act must be removed in order to be replaced by a person 4238  
with gaming experience. The additional two members appointed to 4239  
the Commission under this act shall have gaming experience, and 4240  
shall be appointed to terms ending August 1, 2022. The next 4241  
appointment made to replace a person serving on the Commission 4242  
after the effective date of this act shall be of a third person 4243  
with gaming experience. 4244

**Section 6.** The General Assembly, applying the principle 4245  
stated in division (B) of section 1.52 of the Revised Code that 4246  
amendments are to be harmonized if reasonably capable of 4247  
simultaneous operation, finds that the following sections, 4248  
presented in this act as composites of the sections as amended 4249  
by the acts indicated, are the resulting versions of the 4250  
sections in effect prior to the effective date of the sections 4251  
as presented in this act: 4252

Section 109.572 of the Revised Code as amended by Am. Sub. 4253  
H.B. 49, Sub. H.B. 199, Sub. H.B. 213, Am. Sub. S.B. 51, Sub. 4254  
S.B. 229, Am. Sub. S.B. 255, and Sub. S.B. 263, all of the 132nd 4255  
General Assembly. 4256

Section 3772.03 of the Revised Code as amended by both Am.	4257
Sub. H.B. 49 and Sub. H.B. 132 of the 132nd General Assembly.	4258